

Also, a bill (H. R. 20455) granting a pension to Albert A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 20456) granting a pension to Julia Gallagher; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20457) granting an increase of pension to Melinda Keenan; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20458) granting an increase of pension to Boman R. Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20459) granting an increase of pension to George G. Sherlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20460) to correct the military record of James McMannin and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 20461) granting an increase of pension to Mary J. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20462) granting an increase of pension to Laura A. McCormick; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 20463) granting an increase of pension to C. L. Belknap; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 20464) granting a pension to Peter Throssel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20465) for the relief of A. A. Kelly; to the Committee on Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 20466) granting a pension to Harry N. Gates; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20467) granting an increase of pension to William Orr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20468) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 20469) granting a pension to Anna R. Cartwright; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Tuscarawas County (Ohio) Woman Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, evidence to accompany House bill 20359, for relief of Eliza E. Wells; to the Committee on Invalid Pensions.

By Mr. DILLON: Petition of citizens of South Dakota, favoring recognition for Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. DRUKKER: Petition of citizens of New Jersey, favoring House joint resolution 377 relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. GILL: Memorial of North St. Louis Business Men's Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GILMORE: Petition of citizens of Bristol, Mass., and Swedish Cromer Lodge, No. 10, International Order of Good Templars, of North Easton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOULDEN: Petition of citizens of New York City, against export of munitions of war from the United States to warring nations; to the Committee on Foreign Affairs.

Also, petition of William D. Peck, New York City, favoring restoration of the protective tariff; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of Antoinette P. Brayton, of Providence, R. I., against woman suffrage; to the Committee on the Judiciary.

By Mr. KONOP: Petition of citizens of the ninth congressional district of Wisconsin, favoring House joint resolution 377, prohibiting export of munitions of war from the United States; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Post Office Clerks' Association, protesting against removal of post-office employees from service on account of old age; to the Committee on Reform in the Civil Service.

By Mr. ROGERS: Petition of the Matthew Temperance Institute, Lowell, Mass., against the recognition on the part of the United States of any government in Mexico which will refuse to guarantee civil and religious freedom to the inhabitants of Mexico; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of citizens of Omaha, Nebr., against woman suffrage; to the Committee on the Judiciary.

#### SENATE.

THURSDAY, December 31, 1914.

(Legislative day of Tuesday, December 29, 1914.)

The Senate met at 11 o'clock a. m., on the expiration of the recess, and was called to order by the Presiding Officer, Mr. SWANSON.

Mr. SMOOT. Mr. President, I ask unanimous consent to introduce a bill and have it printed in the RECORD. It deals with the development of water power, a subject that is now before Congress.

The PRESIDING OFFICER (Mr. SWANSON). Is there objection?

Mr. SMITH of Georgia. As the Senator from Utah is the only person who is now on the floor to object—

Mr. SMOOT. If the Senator from Georgia objects, I certainly shall not ask leave to introduce the bill.

Mr. SMITH of Georgia. I am not going to object; but I say as the Senator from Utah makes the request, there is no one left to object, because we rely on him especially to prevent an irregular mode of procedure.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

Mr. SMOOT. I withdraw my request.

Mr. SMITH of Georgia. No; I do not object. I think the Senator does a great deal of good by interposing an objection in such cases.

Mr. GALLINGER and Mr. GRONNA. Regular order!

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Page	Sutherland
Borah	James	Perkins	Swanson
Bryan	Jones	Pittman	Thomas
Burton	Kern	Reed	Thornton
Chamberlain	Lane	Robinson	Townsend
Clapp	Lodge	Sheppard	Vardaman
Clark, Wyo.	McLean	Simmons	Walsh
Culberson	Martine, N. J.	Smith, Ariz.	White
Dillingham	Nelson	Smith, Ga.	Williams
Fletcher	O'Gorman	Smith, S. C.	
Gallinger	Oliver	Smoot	
Gronna	Overman	Sterling	

Mr. MARTINE of New Jersey. I was requested to state regarding the Senator from West Virginia [Mr. CHILTON] that he is absent on public business and is paired with the Senator from New Mexico [Mr. FALL] on all questions.

Mr. THORNTON. I was requested to announce the necessary absence of the Senator from Virginia [Mr. MARTIN] on account of illness in his family, and also to announce that he is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH], who is absent from the city, is paired with the junior Senator from Missouri [Mr. REED] on all votes. This announcement may stand for the day.

Mr. CLARK of Wyoming. I wish to announce the unavoidable absence from the city of my colleague [Mr. WARREN]. He has a general pair with the Senator from Florida [Mr. FLETCHER]. I will allow this announcement to stand for the day.

Mr. LODGE. I desire to announce that my colleague [Mr. WEEKS], who is absent from the Senate, has a general pair with the Senator from Kentucky [Mr. JAMES]. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators and Mr. HOLLIS, Mr. McCUMBER, Mr. POMERENE, and Mr. SAULSBURY answered to their names when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present and the Senate resumes the consideration of the unfinished business, House bill 6060.

#### REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. LODGE obtained the floor.

Mr. OVERMAN. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. For what purpose?

Mr. OVERMAN. To report from the Committee on Appropriations the urgent deficiency appropriation bill.

Mr. LODGE. That is out of order at this time.

Mr. OVERMAN. I desire to submit the report by unanimous consent.

The PRESIDING OFFICER. Under clause 2 of Rule VII it is made the duty of the Chair to enforce the rule without having his attention directed to it. There is a specific provision in the rule which prevents the presentation of the report at this time. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I have no thought of making an argument in regard to the illiteracy test. I have said my say and made my argument on that subject so many times that I have no intention of repeating it. I think it would weary the Senate to have me repeat it, and I am sure it would weary me.

Nor do I intend to go into a discussion of the arguments which have been made against the test. Speaking, however, from considerable familiarity with those arguments, extending over many years, I think I may say that I have never heard them better put than during this debate or with more force or with more apparent pathos. To the philosophic observer with a sense of humor there is something very interesting in listening to the eulogies on ignorance and illiteracy which we have heard so eloquently delivered in the Senate during the last few days.

If there is anything which is more characteristic of the American people than another it is their devotion to the cause of education. We believe in the importance of education almost to the point of being superstitious about it. There is no limit to the money which is given from the public treasury by States, municipalities, and the Nation for the cause of education. There is no limit to the amount of benefaction which is poured out for education from private sources. We believe that education is important to intelligent citizenship. That is one of the great fundamental beliefs of the American people.

I believe there are only five States in which we have not compulsory education. In many States of the Union it is a provision of the constitution that an American citizen can not vote unless he is able to read and write. We do not hesitate to put that test on the American citizen, but we seem to shrink from applying it to the foreigner coming to the country.

Mr. President, it seems to me that some of these arguments carried to their logical conclusion, as I have listened to them here with great interest, would mean that we ought to find out who could read and write and then to exclude those who were possessed of those accomplishments. That is where some of them lead. We are told that all the anarchists who come here can read and write, and from that there seems to be a hasty conclusion drawn that because anarchists generally can read and write therefore people who can read and write are generally anarchists, which is rather a broad jump in argument. In the same way we are told that most of the criminals can read and write. It is difficult to conceive that because criminals can read and write therefore most persons who can read and write are criminals.

Mr. President, though it is interesting to notice this contrast between our opinion of education as applied to our own people and our opinion of education as applied to foreigners, the fact is that the real argument is rarely made. It has been made once in this debate. It was made by the Senator from New York [Mr. O'GORMAN] with his usual force and effectiveness when he said that the passage of this illiteracy test would cost votes. That is a real argument. I do not think it is an argument that affects the merits of the question, but it is a real and not a mock argument. There is something to be said upon this point on both sides. It is erroneous, in my judgment, to suppose that the mass of the American people object to the literacy test. I think it is shown by their constitutions and their laws that they do not. But I do not think we ought to decide this question quite in that way by our guesses at the number of votes involved. I think the question ought to be decided on its merits.

As I have said, I am not going to argue the details of the provision at all, but simply state what the purpose of it is. Hitherto our immigration legislation has been altogether selective. We have had no restrictive legislation at all. The restriction caused by our selective legislation has been merely incidental. There has been a very widespread desire in this country, evidenced by the action of the great labor organiza-

tions, farmers' organizations, and many leagues formed for the promotion of the restriction of immigration, in favor of restricting immigration.

Those who are opposed to all restriction of immigration ought to vote against the illiteracy test, for it is a restrictive measure. It is not put in on the theory of keeping out a criminal or an anarchist. That has nothing to do with it. The law provides against the admission of those persons in other clauses specifically. The object of the literacy test is to restrict the amount of immigration coming to this country.

I shall not rehearse the argument so ably and completely made by the Senator from Vermont [Mr. DILLINGHAM] and others on the need of restriction. It was shown by the protracted investigation of the Immigration Commission generally to be wise on economic grounds, to speak of no other. But assuming for the moment that restriction is desirable, the next thing is to adopt a method of restriction which shall exclude as many undesirable persons as possible and as few desirable, and no form of restriction can be devised which will exclude only undesirable and admit only desirable.

That is out of the question. The purpose to be attained, as I have said, is the one that will exclude as nearly as possible the undesirable and as few as possible who are desirable. After years of investigation by committees of Congress and by commissions, one after another, after many investigations and after considering every form of restriction suggested, the conclusion has been reached by nearly all competent investigators that the illiteracy test restricts immigration with as small a loss of desirable immigrants as possible and with as large an exclusion of undesirable immigrants as can be practically attained. The investigations show very clearly that the tendency of the illiterates over the literates to congest in the large cities of the eastern coast is very marked. That is but one of the many reasons which have led to the adoption of this test. The proof of the lowering of the American standards of life and wages is furnished by the report of the Immigration Commission. That is another great economic argument for restriction. I think in voting on the test it should be kept in mind that its intention is restrictive; that it is not aimed to keep immigrants out because they are ignorant and illiterate simply, but because ignorance and illiteracy give, on the whole, the best test for the restriction of the most undesirable immigrants.

It is proposed to amend the bill in the clause which carries the test. This amendment, Mr. President, would in large measure destroy the value of the illiteracy test. In my opinion it would be better to take the test out of the bill altogether if the Senate is against any measure of restriction than to put in an amendment of this sort. This amendment at once, by its very phraseology, produces most serious inequalities in the law. It says that the persecution is to "be evidenced by overt acts or by discriminatory laws or regulations."

In the Turkish Empire—what remains of it—there is a strong religious discrimination, which takes effect at intervals in the killing of Christians. The Armenian massacres of some years ago are familiar, and if there is any country in the world where there is discriminatory legislation leading to religious persecution it is within the borders of the Turkish Empire. This, therefore, would relieve Armenians and Syrians and people from Asia Minor from the illiteracy test, but it would impose it upon the people of Italy, where, I understand there is no discriminatory religious legislation of any sort or kind.

The illiteracy test in regard to Great Britain and Ireland is not of consequence, because the percentage of illiteracy is so low that it would exclude practically no immigrants from those countries; but, at the same time, England has an established church. A certain number of the prelates of that church have the right to sit in the upper House of Parliament. That is distinctly discriminatory against all who are not members of the established church—dissenters, Roman Catholics, and others. Therefore this amendment would exempt from the illiteracy test the people of England, and of Wales also, until the church is disestablished there, and would apply it to the people of Ireland and Scotland. This illustrates some of the difficulties that would come from a law framed in that way. You would relieve certain nations and certain races from your illiteracy test, and you would apply it to others. You would make it unequal; you would come in conflict, I am rather inclined to think, with the favored-nation clause in principle, if not literally.

As to political persecution, that is extremely vague. We have tried to take care of that in a general provision of the proposed law, but this amendment to the illiteracy clause in the bill as it is framed would be worse than destructive of the test as it stands in the House bill. It would partially destroy it;



it would leave it in force against certain nations and remove it from others.

Therefore I think, Mr. President, that this amendment ought to be defeated. If the Senate then comes to the main question according as they believe that restriction of immigration is necessary or unnecessary, whether, by the result of investigation or otherwise, this is the best method of restriction or not, they should determine whether to leave the clause in the bill or to take it out. If it is to stay in the bill, it ought to stay there in substantially the form in which it is now there. If it is to be taken out, it had better be taken out altogether than to put in an amendment of this kind, which can only lead to all sorts of complications, which would create a law that would fall unequally, which could never be justly enforced, and which would give to some, at least, of the undesirable forms of immigration a chance to come in while it excluded some of the desirable forms which we want to admit.

This is all, Mr. President, that I desire to say. There is no use of entering into any general argument; but I wish to record my opposition to this amendment, and then, after the Senate dispose of that, I hope they will dispose of the main question.

Mr. THOMAS. Mr. President, the central idea which I had in mind when I consented to introduce this amendment, on which occasion I made the statement that it was prepared by another, was to extend the exemption from the literacy test to those who sought asylum in America as a refuge from persecution. I did so because I then believed, and am now confirmed in the belief, that the exemption reported by the committee is not broad enough to cover all cases of persecution or to accord with what I understand to have been the national policy upon this subject ever since the origin of the Government. I can conceive of no reason which justifies an exemption for those who desire to come here in order to escape religious persecution which is not equally applicable to those who are the victims of political or racial persecution, which is quite as intolerable as and sometimes more cruel than religious persecution.

I believe thoroughly in a literacy test, provided one can be secured which is consistent with the right of asylum to all peoples except those which are specifically excluded for other reasons. The Senator from South Carolina [Mr. SMITH], having charge of the bill, has said that if this amendment is adopted it virtually destroys the force and the efficacy of the literacy test. I am not prepared to accept that statement; but if it is true it is the strongest argument that has been uttered upon this floor against the inclusion in the bill of any such test whatever, for I deny, Mr. President, that there can be any consistency whatever or any justice in a regulation which gives exemption to the object of religious persecution, but denies it to the object of political or racial persecution. It is persecution that we desire to exempt from the operation of this clause, whether it be of a religious or of a political character, and when we begin to discriminate between the bases or causes of persecution in the application of a national doctrine we establish a condition that is absolutely foreign to what I have always understood to be the purpose and the policy of this Government with reference to immigration.

But the criticisms which have just been made by the Senator from Massachusetts [Mr. LODGE] of the concluding paragraph of the amendment are of great force. I have been impressed from the inception of this debate with the general character and consequently the general scope of the exemption which would be created by that clause if it were enacted into legislation. I can perceive very clearly that, as the Senator says, it would operate as an exemption of some nations or races as an entirety, while the restrictive clause would be equally universal as applied to others, and, as a consequence, I hesitate, Mr. President, to give my assent to that clause, although it is a part of the amendment which I have offered. At one time I suggested its withdrawal, but I did not insist upon the suggestion for the reason that another Senator requested that it should not be pressed.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I yield.

Mr. GALLINGER. I have been giving more or less study to this amendment, as I desire to vote for as liberal a provision as is consistent, and I listened with interest to the statement made by the Senator from Massachusetts. I will ask the Senator from Colorado if he does not think it will be quite an advance—and perhaps cover the matter sufficiently—if the Senator simply adds the words "or political" to the provision in the bill as it came from the House of Representatives, so as to read "religious or political persecution"?

Mr. THOMAS. Mr. President, perhaps the Senator is not aware of the fact that I have accepted two additions which have been suggested to the amendment as I sent it to the Secretary's desk. It now reads:

That the following classes of persons—

Then comes an amendment—

when otherwise qualified for admission under the laws of the United States shall be exempt—

And so forth. The other amendment which I have accepted is the insertion of the words "of racial" after the word "political," on the first line of the second page.

Personally I should be satisfied with this amendment as amended, with the excision of its last clause, which, as I have said, is subject to the criticism which has been made of it so ably and incisively by the Senator from Massachusetts.

Mr. REED. Will the Senator read the last clause to which he has just referred?

Mr. THOMAS. It reads:

Whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

I was going to add, however, that I shall not ask to have that part of the amendment withdrawn; but, in the event the amendment in its present condition is not adopted, then I shall offer it again with the amendments that have been accepted to it and with the exclusion of the clause which I have just read.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SUTHERLAND. I should like to have the amendment stated as it is now perfected.

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 9, beginning in line 6, it is proposed to strike out:

That the following classes of persons shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution.

And in lieu thereof to insert:

That the following classes of persons, when otherwise qualified for admission under the laws of the United States, shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious, political, or racial persecution, whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

Mr. LEWIS. Mr. President, a parliamentary inquiry. May I ask, where a section has an amendment addressed to it and also a motion to strike out the whole section, which takes precedence—the motion to strike out the whole section or an amendment of the section?

The PRESIDING OFFICER. The text must be perfected before the motion to strike out is in order under general parliamentary law. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. In his absence I withhold my vote. If permitted to vote, I should vote nay.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the Senate and also from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. SAULSBURY (when the name of Mr. MARTIN of Virginia was called). I have been requested to announce the necessary absence of the senior Senator from Virginia [Mr. MARTIN] and that he is paired with the senior Senator from Illinois [Mr. SHERMAN]. If present, the Senator from Virginia would vote nay.

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is absent to-day on account of sickness. If he were present, he would vote nay. He has a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], but on this proposition they are agreed, and the senior Senator from Mississippi is therefore at liberty to vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Indiana [Mr. SHIPLEY] and will vote. I vote yea.

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent from the Senate on account of the health of members of his family. During his absence he is paired with the senior Senator from Wyoming [Mr. CLARK].

I take this occasion to state, further, that I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and will allow my vote in the affirmative to stand.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. WILLIAMS (when his name was called). In view of the announcement made by the junior Senator from Pennsylvania [Mr. OLIVER], I feel free to vote, notwithstanding my pair with the senior Senator from that State. I vote "nay."

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who has not voted. I therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CULBERSON (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. DU PONT], but I understand that he would vote as I have voted on this question. Consequently I will allow my vote to stand.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is not present and has not voted. I therefore withdraw my vote.

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The junior Senator from Idaho [Mr. BRADY] with the junior Senator from Mississippi [Mr. VARDAMAN];

The junior Senator from New Mexico [Mr. CATRON] with the senior Senator from Oklahoma [Mr. OWEN];

The senior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON]; and

The junior Senator from Illinois [Mr. SHERMAN] with the senior Senator from Virginia [Mr. MARTIN].

I was also requested to state that the junior Senator from Illinois [Mr. SHERMAN] is detained from the Senate on account of illness in his family.

The result was announced—yes 26, nays 34, as follows:

## YEAS—26.

Borah	Lane	Perkins	Smith, Md.
Clapp	Lee, Md.	Pittman	Thomas
Culbertson	Lewis	Pomerene	Thornton
Hitchcock	Martine, N. J.	Ransdell	Townsend
Hughes	Myers	Reed	Walsh
Kern	Norris	Saulsbury	
La Follette	O'Gorman	Shafroth	

## NAYS—34.

Ashurst	Gore	Overman	Smith, S. C.
Brandegee	Hardwick	Page	Smoot
Bristow	James	Polindexter	Sterling
Bryan	Jones	Robinson	Swan, on
Burton	Lippitt	Root	White
Chamberlain	Lodge	Sheppard	Williams
Cummins	McLean	Simmons	Works
Dillingham	Nelson	Smith, Ariz.	
Gallinger	Oliver	Smith, Ga.	

## NOT VOTING—36.

Bankhead	Crawford	Lea, Tenn.	Smith, Mich.
Brady	du Pont	McCumber	Stephenson
Burleigh	Fall	Martin, Va.	Stone
Camden	Fletcher	Newlands	Sutherland
Catron	Goff	Owen	Thompson
Chilton	Gronna	Penrose	Tillman
Clark, Wyo.	Hollis	Sherman	Vardaman
Clarke, Ark.	Johnson	Shields	Warren
Colt	Kenyon	Shively	Weeks

So Mr. THOMAS's amendment was rejected.

Mr. OVERMAN. Mr. President, I will ask the chairman of the committee to yield in order to allow me to ask unanimous consent of the Senate to report what is known as the urgent deficiency appropriation bill.

Mr. SMITH of Georgia. I object, Mr. President. The trouble is that if reports are allowed—

Mr. GALLINGER and other Senators. Regular order!

The PRESIDING OFFICER. The regular order is called for. Nothing is in order at present but the pending bill.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Colorado offers the amendment just voted upon, with the exception that the words at the end thereof—

whether such persecution be evidenced by overt acts or by discriminatory laws or regulations—

are stricken therefrom, so that the amendment now reads:

On page 9, lines 6 to 12, strike out the words in the House bill and in lieu thereof insert:

"That the following classes of persons, when otherwise qualified for admission under the laws of the United States, shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious, political, or racial persecution."

Mr. THOMAS. Mr. President, the amendment as now presented is the amendment upon which the Senate has just taken a vote, except that the last clause, objections to which were so forcibly presented during the discussion of the amendment itself, is eliminated.

I have only to say to the Senate that if it is our sincere purpose to permit those who are suffering from persecution to avail themselves of an exemption clause to the literacy test, it would seem that consistency and justice require that whatever the cause of the persecution, whether it be religious or political or racial, or any two of them, or the three of them combined, the fact of the persecution itself should be the test of the application of the exemption, and not the basis of that test. Now, if we are going to be consistent, and if America is still to be the asylum of those who seek its shores as a refuge from persecution, then the amendment as presented should be accepted by the Senate.

Mr. REED. Mr. President, I shall detain the Senate only long enough to state a proposition.

The bill as reported provides—

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officers or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution.

To that is added, by the amendment, words which would include those who are fleeing from political persecution or racial persecution.

Mr. President, either the clause in the bill ought to be stricken out or this amendment should be adopted, in my humble judgment. I say that for this reason: As far as my knowledge extends, there is not a single country that in modern times has boldly started upon a policy of religious persecution. They have not said, "We are attacking these inhabitants of our country because of their religion." That has been the real cause, undoubtedly, but always the governmental authorities have assigned some other cause. So when an immigrant is required to show that he is fleeing to escape religious persecution, if he is limited to strict and technical proof, he can not make it. If you do not adopt this amendment, you ought bravely and frankly to strike out the language of the bill itself and not pretend to be granting asylum to those who seek to escape religious persecution, well knowing at the time that probably not a single man can prove himself absolutely within that exemption.

What man in the Senate can point to a single instance in modern times when any Government has by law persecuted any class of people for religion's sake? Nevertheless, we know that in many instances they have been persecuted because they are of a certain religion, but the law of the country does not say so, and the authorities of the country proceed upon some other pretense.

Now, let us either be brave enough to strike out of the bill language that means nothing for practical purposes and say to all the world, "We close the door in the face of those who flee to escape persecution," or else let us pass an amendment that will permit these creatures to come in.

I have one further observation. We are taking a step here to-day, if we repudiate this amendment, that is a repudiation of the whole course of American history. We propose, if we repudiate this amendment, to close the doors of this country to those men who seek asylum from political persecution. We propose to say to the immigrant who may be fleeing here for his life from an oppressor who may conquer his country within the next few months—aye, who may have already conquered his country—"You shall go back to your death, to the land where it awaits you, for no other crime than a political crime." That is a reversal of American policy for a century. It is a reversal of all our precedents, all our customs, all our pretensions, and it is a policy that is, in my opinion, unworthy of the American people.



The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. LODGE. Mr. President, when I spoke briefly in regard to the amendment then pending I was not aware that the word "racial" had been inserted. Otherwise I should have said something about that. The word "racial" loosens the provision more even than "discriminatory laws." It produces the same inequality. We want to be very careful before we insert that word in our legislation. It would not be difficult for the Hindus to show that they were subjected, some of them, as they think, to racial persecution and that they were discriminated against. The Senate wants to be extremely careful before it loosens the provision in that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. THOMAS].

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my general pair with the senior Senator from Missouri [Mr. STONE], who is necessarily absent, and withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and withhold my vote.

Mr. CULBERSON (when his name was called). With the same statement regarding my pair and its transfer that I previously made, I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GRONNA (when his name was called). I again announce my pair with the senior Senator from Maine [Mr. JOHNSON]. As he is absent, I withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH].

Mr. JAMES (when his name was called). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN]. I make this announcement for the day.

Mr. OLIVER (when Mr. PENROSE's name was called). I make the same announcement with regard to my colleague [Mr. PENROSE] as on the former vote. If my colleague were present, he would vote "nay."

Mr. WALSH (when Mr. SAULSBURY's name was called). The Senator from Delaware [Mr. SAULSBURY] has just been called from the Chamber and will be unable to be present during the remainder of the vote. He is paired with the Senator from Rhode Island [Mr. COLT]. If the Senator from Delaware were present and entitled to vote, he would vote "yea."

Mr. WILLIAMS (when his name was called). I repeat the announcement made on the previous vote and add to it that since that time a telegram has been received from the Senator from Pennsylvania [Mr. PENROSE] which relieves me from my pair on this question. I vote "nay."

The roll call was concluded.

Mr. SUTHERLAND. I again announce my pair with the Senator from Arkansas [Mr. CLARKE], which I transfer to the Senator from Pennsylvania [Mr. PENROSE], and vote. I vote "nay."

Mr. FLETCHER. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. GRONNA. When my name was called and I announced my pair with the senior Senator from Maine [Mr. JOHNSON] I did not feel that I was at liberty to vote. I am informed that if present he would vote "nay," and I will therefore vote. I vote "nay."

Mr. REED (after having voted in the affirmative). Before the result is announced I desire to state that I will allow my vote to stand, but I announce the same transfer of my pair as on the previous vote.

The result was announced—yeas 26, nays 38, as follows:

## YEAS—26.

Borah	La Follette	O'Gorman	Smith, Md.
Chamberlain	Lane	Perkins	Thomas
Clapp	Lee, Md.	Pittman	Thornton
Culbertson	Lewis	Pomerene	Townsend
Hitchcock	Martine, N. J.	Ransdell	Walsh
Hughes	Myers	Reed	
Kern	Norris	Shafroth	

## NAYS—38.

Ashurst	Gronna	Overman	Smoot
Brandagee	Hardwick	Page	Sterling
Bristow	James	Polindexter	Sutherland
Bryan	Jones	Robinson	Swanson
Burton	Lippitt	Roor	Vardaman
Cummins	Lodge	Sheppard	White
Dillingham	McCumber	Simmons	Williams
Fletcher	McLean	Smith, Ariz.	Works
Gallinger	Nelson	Smith, Ga.	
Gore	Oliver	Smith, S. C.	

## NOT VOTING—32.

Bankhead	Colt	Lea, Tenn.	Shively
Brady	Crawford	Martin, Va.	Smith, Mich.
Burleigh	du Pont	Newlands	Stephenson
Camden	Fall	Owen	Stone
Catron	Goff	Penrose	Thompson
Chilton	Hollis	Saulsbury	Tillman
Clark, Wyo.	Johnson	Sherman	Warren
Clarke, Ark.	Kenyon	Shields	Weeks

So Mr. THOMAS's amendment was rejected.

Mr. O'GORMAN. I move as an amendment that the words "or political" be inserted after the word "religious" on the twelfth line of the ninth page of the bill.

Mr. TOWNSEND. So as to read how?

Mr. O'GORMAN. So as to read:

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious or political persecution.

It omits the racial exemption which has just been voted down by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. O'GORMAN].

Mr. O'GORMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Repeating the announcement of my pair heretofore made, I withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. CULBERSON (when his name was called). Making the same statement as previously, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing the transfer of my pair as before, I vote "nay."

Mr. GRONNA (when his name was called). I again announce my pair with the senior Senator from Maine [Mr. JOHNSON] and withhold my vote.

Mr. HOLLIS (when his name was called). I again announce my pair as before.

Mr. JAMES (when his name was called). Making the same transfer as on the former roll call, I vote "nay."

Mr. REED (when his name was called). I make the same transfer as before and vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I make the same transfer of my pair with the Senator from Arkansas [Mr. CLARKE] that I made on the preceding vote and vote "nay."

Mr. WALSH. As heretofore announced, the Senator from Delaware [Mr. SAULSBURY] is necessarily absent. He is paired with the Senator from Rhode Island [Mr. COLT]. If the Senator from Delaware were present and at liberty to vote, he would vote "yea."

The result was announced—yeas 28, nays 33, as follows:

## YEAS—28.

Borah	Hughes	Martine, N. J.	Reed
Brandagee	Kern	Myers	Shafroth
Chamberlain	La Follette	Norris	Smith, Md.
Clapp	Lane	O'Gorman	Thomas
Culbertson	Lee, Md.	Perkins	Thornton
Gallinger	Lewis	Pomerene	Townsend
Hitchcock	McLean	Ransdell	Walsh

## NAYS—33.

Ashurst	James	Robinson	Sutherland
Bristow	Jones	Roor	Swanson
Bryan	Lippitt	Sheppard	Vardaman
Burton	Lodge	Simmons	White
Cummins	McCumber	Smith, Ariz.	Williams
Dillingham	Nelson	Smith, Ga.	Works
Fletcher	Oliver	Smith, S. C.	
Gore	Overman	Smoot	
Hardwick	Polindexter	Sterling	

## NOT VOTING—35.

Bankhead	Crawford	Martin, Va.	Shively
Brady	du Pont	Newlands	Smith, Mich.
Burleigh	Fall	Owen	Stephenson
Camden	Goff	Page	Stone
Catron	Gronna	Penrose	Thompson
Chilton	Hollis	Pittman	Tillman
Clark, Wyo.	Johnson	Saulsbury	Warren
Clarke, Ark.	Kenyon	Sherman	Weeks
Colt	Lea, Tenn.	Shields	

So Mr. O'GORMAN's amendment was rejected.

Mr. MARTINE of New Jersey. On December 17 I gave notice that I would offer an amendment, and I propose it now. While it has been practically voted on several times this morning, it has been coupled with other conditions. The amendment that I offer is stripped of all other conditions except to strike out lines 10, 11, and 12, and in line 13 the word "Provided."

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The SECRETARY. On page 8, commencing with line 10, it is proposed to strike out the following words:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays.

Mr. LODGE. I merely want to call attention to the fact that the amendment strikes out the literacy test, but leaves in all the machinery for it.

Mr. LEWIS. Mr. President, I merely desire to say that the motion I made to strike out from the section is very similar to that presented by the Senator from New Jersey, and I desire to inform the Senate that the motion of the Senator from New Jersey I will accept as likewise providing for the amendment I intended to offer, and thus avoid the necessity of having another vote upon my amendment.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator from New Jersey to the fact that the amendment proposed by him simply strikes out the clause known as the literacy test and leaves all the balance of the section and all the machinery untouched.

Mr. MARTINE of New Jersey. I am very well satisfied that the temper of the Senate will strike out everything in that direction, and so I am quite willing to let it go. If you strike out the words I propose to eliminate, I do not care how much machinery you have left in the bill.

The PRESIDING OFFICER. The Senator from New Jersey demands the yeas and nays upon agreeing to his amendment.

The yeas and nays were ordered.

Mr. TOWNSEND. Mr. President, as I understand, this proposition is to strike out the literacy test. That is the object of the Senator from New Jersey in offering it?

Mr. MARTINE of New Jersey. Yes, sir; that is my purpose.

Mr. TOWNSEND. I can not support an amendment which has for its object the elimination of the literacy test. I have voted in favor of the amendments offered by the Senator from Colorado [Mr. THOMAS] and the Senator from New York [Mr. O'GORMAN], because they stated a principle with which I am in accord, a principle which has been observed by our Government since its creation, namely, that this land may be the home of those moral, healthy, normal men and women, without regard to their education, who have fled here from their native countries to escape religious or political persecution. Our forefathers belonged to that class. The bill recognizes the justice of making an exception in behalf of victims of religious persecution, and I can see no reasons which plead for them that are not equally effective in behalf of political or racial refugees from persecution. I believe in restricting immigration. We have been receiving more immigrants than we have beneficially assimilated. The literacy test will not insure all desirable immigrants; it will not exclude all undesirable aliens; but with the other qualifications included in the bill it will lessen materially the number of immigrants who are undesirable.

I shall not discuss the harmful effects of our immigration upon American labor. That phase of the subject has been fully presented. Indeed, I shall not attempt to make any argument, but desire simply to enter my protest against much of the alleged argument offered by the opponents of the educational test for the admission of aliens. Why, ignorance has been lauded as the virtue and education as the disability. It would almost seem that some Senators would prefer that the prohibition be against those who could read and write rather than against the illiterate.

The corner stone of our Republic is education. The fundamental law of every State provides for free schools. Compulsory educational laws are forced upon our people. We believe in education and that the Republic can only exist permanently in the hands of an educated electorate. The fathers, when they provided for free schools, were working not for present political favors, were governed not by temporary expedients, but were looking far ahead and building for the future.

This Republic is but an experiment. Its success depends upon the character and the intelligence of the men and women who form and constitute it.

More and more the people are coming into the actual exercise of the powers of government. The direct primary, the initiative

and referendum are being demanded, if not by the people at least by the politicians. Can an illiterate man know as well as the literate one? Is it safe to trust the functions of government, including the making and repealing of laws, to foreigners who can not read those laws, but who must rely upon another for information and advice? Ignorance in the hands of immoral intelligence is a menace to the Republic.

Just in proportion as the powers of government are assumed by the people just in that proportion ought the educational test to be raised. I realize, of course, that the admitted immigrant does not, by virtue of his admission, become entitled to the elective franchise, but to all practical purposes he does. I want to raise the standard of citizenship, and I believe, as I always have believed, that education, like righteousness, exalteth a nation.

I believe that the literacy test in the bill will not be as beneficial to our people as its proponents claim; neither will it work the hardships predicted by its opponents; but it is a recognition of the principle of civilization and progress, and, therefore, I can not vote to eliminate it.

Mr. THORNTON. Mr. President, I shall vote for the literacy section of the bill which has been previously approved by both Houses of Congress, because I believe that the indiscriminate immigration that has been coming to this country during the last 10 or 15 years should be restricted until we can better assimilate or Americanize those who have come in such large numbers in the time I have mentioned.

Therefore, believing that the best interests of this country demand a restriction of foreign immigration, I am in favor of the literacy test, because that operates as a restriction to some extent, and I think the restriction can properly be applied to illiterates.

It is true that illiteracy does not necessarily imply lack of morality or the desire to be a lawbreaker.

It is also true that illiteracy naturally tends to prevent a foreigner from acquiring a proper conception of American institutions as soon as a literate could acquire it.

It is also true that the illiterates on account of their ignorance can be more easily influenced in the direction of lawlessness by designing men, and also more readily influenced by political demagogues.

Everyone who has looked into the matter of this large foreign immigration during the time I have mentioned knows, or ought to know, that the two principal causes inducing it were the efforts of foreign steamship companies and the American employers of cheap labor, each working for their own selfish interests.

I am aware that this country is largely indebted for its development to the immigration that came here from Europe in former times; but that was an immigration of a different nature from the immigration which has been largely coming of late years, and devoted itself to other pursuits than the present kind of immigration does.

The fact that in former times and under different conditions in this country unrestricted immigration was permitted is no argument in favor of permitting unrestricted immigration now.

While I feel a natural sympathy for aliens who hope to better their condition by coming to this country, I do not recognize that this country is under any obligation to admit foreigners to its privileges just because these foreigners wish to enjoy those privileges.

Still less is this country under any obligation to admit them if their admittance might have a tendency to injuriously affect the well-being of her own citizens.

I consider that my first duty is to my own country, and I propose to discharge it according to my best judgment, without regard to the possible political effect on myself or on the party with which I am identified.

I regret that the amendments to the literacy test which have been voted on this morning have been defeated by the Senate. They were amendments for which I voted and for which I stand. Nevertheless, because they have been voted down is no reason why I should be justified in voting against the literacy test which, in my judgment, embodies generally a wise provision of law. Especially is this so when the sentiment of the Senate very clearly shows that the literacy test will be sustained, no matter whether I vote against it or for it.

I also feel some comfort in the fact that, in my judgment, the Jews in those countries of Europe for whom this amendment was particularly intended will not, after the conclusion of the present European war, suffer the persecution in the future which they have suffered in the past, no matter what side may be victorious at its termination.

Mr. CLAPP. Mr. President, this debate, like many another, has drifted far wide of the real merits of the controversy.



This bill as it passed the other House contained what has been called a literacy test. At the same time, by excepting those who come here on account of religious persecution it plainly recognized the asylum principle in our immigration laws. It placed among the other tests literacy, and then provided that aliens coming here might be exempt from that test if they could prove to the satisfaction of certain officers that they had come here on account of religious persecution. There we have the retention of the literacy test, the recognition of the asylum principle, and the extension of that exemption to a particular race.

I have voted this morning for certain amendments not to enlarge this exemption, but as I pointed out yesterday to make this exemption plain, so that there might be no question of what it meant. Having done my utmost to make this exemption plain, and being unable to make it any plainer than it is, and the bill clearly recognizing the principle of asylum extended to this particular people who come from other lands where they have no voice in their government, I could not, of course, vote for the proposed amendment to strike out the so-called literacy test. I do not believe it is the ultima Thule test of citizenship. On the other hand, we ought to encourage education and discourage illiteracy. I believe this bill is the happy medium in placing the literacy test in the law and at the same time recognizing that the principle of asylum must still prevail in our immigration laws, only I regret that the exemption might not have been put in terms so plain as to lead to no confusion, as I urged yesterday.

Mr. LANE. Mr. President, I am going to vote against the amendment offered by the Senator from New Jersey for the reason that I am of the opinion that large numbers of laboring men are brought into this country for the sole purpose of beating down the price paid to laborers already here; in other words, that American labor is suffering from a competition which is not a natural one, and that, through the means mentioned by the Senator from Georgia [Mr. HARDWICK] yesterday of flaring circulars and false inducements presented to ignorant people in Europe, they are brought here by interested persons, steamship companies perhaps, and passed on into the hands of large interests which use them, the one against the other, to beat down the price of labor, and afterwards prevent them from combining the one with the other to better their own condition. Believing that the literacy test, which in itself amounts to but little and may be avoided I suspect, is partly a safeguard—for that reason and for no other—I am going to vote against the amendment. I believe that in fairness we owe it to the people of this country to allow them to have a fair opportunity with an equal chance to earn a living for themselves and their families.

I noticed in the remarks of the junior Senator from Georgia yesterday his rather severe strictures upon certain immigrants who had been brought into this country and finally landed in the factory cities of Massachusetts or some other part of New England, and then had been confronted with conditions entirely different from those which had been represented to them before they came. They had been buncoed, as I presume they realized, and they resented the country and its representatives, became a menace, made trouble, and we had a riot and quite an industrial war in consequence.

Away back, early in history, before we had handed to us the Ten Commandments, in the days of Rameses the Great, the mouthpiece of the Almighty, Moses, who was a Jew born and living in Egypt, resented the unbearable conditions which were visited on his people, the people some of whose interests are at stake even in this bill to-day. When he found an Egyptian boss abusing another Jew he slew him. He was the first striker on record who used violence. Striking workmen have not gone further to-day. The contest has been going on from the earliest days of mankind; and this country itself, with all its boasted liberty, which has been appealed to so eloquently here, and the fear expressed that we were about to depart from our ancient glory, has always fattened itself upon every bit of cheap labor that could be brought in and rode upon its back free if it could do so. I think the time has come when we ought to take proper safeguards in the interest of the people here, without undue injustice or undue discrimination against the people of any other country; but we first owe a duty to our own people, and believing that they are not getting what they should get under the present law, I am going to vote against this amendment.

Mr. MARTINE of New Jersey. Mr. President, I regret very much that my distinguished friend from Oregon [Mr. LANE] can not stand with me on this matter. However, I am thoroughly satisfied that he is prompted by conscientious motives, as are many of the Senators on the other side.

Mr. SMITH of Georgia. All of them.

Mr. MARTINE of New Jersey. Well, all of them, including the men from the South, probably for a reason which I do not choose to tell but which in my mind I think I know. I am satisfied there is a preconceived effort on the part of certain great organizations to flood the Senate and Senators with arguments against this proposal. I am willing to believe that they, too, are conscientious.

I have received hundreds of circulars from various organizations, such as the Junior Order of American Mechanics, who are a splendid lot of men; the Sons of Washington, who are patriotic Americans; and a myriad of others, urging that I vote for a literacy test; and yet, from my knowledge of these men and the societies, 90 per cent—yes, I believe nearly 90 per cent—of them came from parents who landed in this country from foreign shores and were in the major part unable to read or write. I answered them, and I answer Senators here to-day, that I am willing to believe you are probably as charitable in your views as I am myself; I believe you are prompted by patriotic motives; but I say you are pursuing a most mistaken, dangerous, un-American, uncharitable, and un-Christian policy. Even though I may be the only one to vote for this amendment, I shall stand here and vote "yea" with all the earnestness of my nature.

Mr. LANE. Mr. President, I will say but a few words in reply to my distinguished friend from New Jersey, whom I very highly regard, and for whose motives I always entertain the highest degree of respect. He always votes as he honestly believes he ought to vote, and I respect him; but the conditions which existed here in the early days, when the country was new, when its resources were untouched, when there were boundless plains and prairies and millions upon millions of acres of timberland and wheat land for people to go upon and make a living, were vastly different from the conditions prevailing to-day, when the great natural resources of the country have gone, in the majority of instances, into the hands of a few. Now labor is being imported from all over the world, wherever it can be reached or the law permits, to be brought into this country. It is being brought in by insidious methods and by false promises, and immigrant laborers are pitted one against the other to bring down the standard of living to the American citizen to the lowest possible notch. That is what I am voting against.

Mr. REED. Mr. President, I want to call the attention of the Senate and of the Senator who has just concluded his remarks to the fact that this amendment which is now proposed does not at all affect the question of contract labor or of the methods that have been employed in the past to bring labor into this country through advertisements and inducements.

I think there is not a man in the Senate who is not opposed to contract labor. That is already prohibited by law; and this bill strengthens that law, and to that extent I am heartily in accord with the bill. Moreover, this bill makes it a crime to send out advertisements and to do the things to which the Senator has referred. That is all prohibited in other clauses of the bill; and if the bill is passed without the literacy test, nevertheless the law will then prohibit all advertisements, all inducements, all contracts, and all of those evil methods which have heretofore been employed and which have resulted in bringing large numbers of people here to be really victimized. So that that question is taken care of in another part of the bill.

Now, Mr. President, I send to the desk and ask unanimous consent to have read an address upon this bill which is of an exceedingly illuminating character which was made by an eminent lawyer of New York, Mr. Marshall, and which I think contains much that is worthy of consideration.

Mr. WILLIAMS. How long is it?

Mr. REED. It is not very long.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. SMITH of South Carolina. Mr. President, in view of the fact that the address can be printed as well, I object.

Mr. REED. Then, Mr. President, I will ask to have the address returned to me.

Mr. THOMAS. I should like to inquire what the date of the letter is.

Mr. REED. It is not a letter. It is an address that was delivered only a few weeks ago.

Mr. THOMAS. The purpose of my inquiry was to ascertain whether it was not a letter which I had already offered, and which is now in the Record.

Mr. REED. No; it is not a letter. Of course, if the Senator objects to its being read from the desk, I can read it. I am a pretty good reader.

Mr. O'GORMAN. Mr. President, I move that the Senate order the reading of the address by the Secretary.

The PRESIDING OFFICER. Under the rule the motion is in order. The question is, Shall the paper be read?

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will read the address.

The Secretary proceeded to read the paper, and having read for some time,

Mr. THOMAS. Mr. President, I should like to ask the Senator from Missouri [Mr. REED], who requested the reading of this document, a question.

The PRESIDING OFFICER. The Senator from Missouri is not in the Chamber.

Mr. BRYAN. He is not present, but the Senator from New York [Mr. O'GORMAN], I have no doubt, can answer the question.

The PRESIDING OFFICER. The Senate has consented to the reading of the paper, and the Secretary will proceed.

The Secretary resumed the reading of the paper, and was interrupted by

Mr. SMITH of South Carolina. I ask unanimous consent that the further reading of the paper be dispensed with.

Mr. SMOOT. I object.

The PRESIDING OFFICER. There is objection, and the Secretary will continue the reading.

The Secretary continued the reading of the paper.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Oliver	Smoot
Borah	James	Overman	Sterling
Brandegee	Jones	Page	Sutherland
Bryan	Kern	Perkins	Swanson
Burton	La Follette	Poinceter	Thomas
Chamberlain	Lane	Ransdell	Thornton
Clapp	Lee, Md.	Reed	Vardaman
Clark, Wyo.	Lewis	Root	Walsh
Culberson	Lippitt	Shafroth	White
Dillingham	Lodge	Sheppard	Williams
Fletcher	McCumber	Simmons	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Gronna	Myers	Smith, Md.	
Hardwick	Norris	Smith, S. C.	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The Secretary will proceed with the reading of the paper.

Mr. REED. I am informed that the Senator from Montana [Mr. WALSH] desires to proceed with the address which he gave notice he would make this morning. I therefore ask that the reading of the paper be discontinued and that the part of it not read be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. HARDWICK. In behalf of the Senator from South Carolina [Mr. SMITH] and in his absence I am compelled to object.

SEVERAL SENATORS. Oh, no!

Mr. HARDWICK. The Senator from South Carolina asked me to object to any request for unanimous consent while this matter is pending.

Mr. REED. This does not displace the bill. I move that the further reading of the address of Mr. Marshall be discontinued and that the entire address be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The paper entire is as follows:

ADDRESS OF LOUIS MARSHALL BEFORE THE NEW YORK UNIVERSITY FORUM FEBRUARY 20, 1914, IN ANSWER TO AN ARGUMENT BEFORE THE SAME FORUM BY SENATOR DILLINGHAM.

Mr. MARSHALL. Prof. Jenks, ladies, and gentlemen, I regret to begin with the apology that I have not had an opportunity to arrange my thoughts in an orderly manner, so as to enable me to present them in a form least disadvantageous to the cause which I am called to advocate. I shall, however, seek, while expressing my views with all fairness, to indicate that there is decidedly another side to the question from that which Senator DILLINGHAM championed here last week. I have the highest regard and respect for him. I know that, as one of the Immigration Commission of which Prof. Jenks was likewise a member, he gave to the subject of immigration the most painstaking study and that the work of that commission was stupendous. The material gathered by it fills 40 huge volumes. I do not pretend to have read them. I have even heard it intimated that the members of the commission have not read them. It is quite possible that Prof. Jenks, with his characteristic industry, has read a substantial part of them. It is certain, however, that if anybody has attempted to read them all, his mind must be in such a state of confusion as to preclude him from possessing a lucid appreciation of their contents. Several commentaries have already been written upon them, one by Prof. Jenks with Mr. Lauck, and another by Dr. Isaac A. Hourwich. Although they agree in some respects they are diametrically opposed in their views as to many of the fundamental propositions which it was expected that this great mass of material would elucidate.

After gathering voluminous statistics the commission was obliged, without adequate opportunity for digesting them, to bring its work to a sudden close and to reach a conclusion in an exceedingly brief period after it had collated the material. It was said by one of the commissioners who filed a dissenting report that he did not even have an opportunity to prepare his report in such form as he desired, because of the short time allotted for that purpose. I do not make these statements by way of criticism, but merely in explanation, and for the purpose of showing how minds fair and free from bias may, starting with the same data, arrive at conclusions which seem to be entirely at war with each other.

The conclusion which the Immigration Commission urged, after making this study, was that there should be such a selection from among the immigrants to this country as would eliminate the undesirable. So far as that conclusion is concerned, there can be no two views. We are all opposed to the admission into this country of those who are undesirable. Our immigration laws now in force, and which have been carefully framed, contain adequate provisions for the exclusion of undesirable. There is no doubt that it is within the constitutional power of Congress to enact a law which will exclude immigrants altogether, not only those who come in the steerage, but also those who sail in the first and second cabins of an ocean liner. There is no doubt but that it is within the competency of Congress to build a Chinese wall around our country, to make of us an isolated and parochial people, in the narrowest sense of the term. Thus far, however, there has been no general tendency manifest in favor of the enactment of exclusion laws, except in the case of the Chinese. Even now there is no direct attempt to bring about the total exclusion of immigrants. There is no doubt that Congress possesses plenary power to regulate immigration in any way that it sees fit and to provide safeguards against the admission of those whose presence here would be injurious to the country. It is on that theory that our present laws exclude those who are apt to become public charges, those who are of bad character, immoral, or of criminal antecedents, those who are insane, those who are physically unfit, those who are opposed to organized government. It is now sought to amend the immigration law so as to exclude militant suffragists. As to whether or not such an amendment is necessary, I express no opinion.

We now reach a point in the process of our national legislation when it is sought to exclude another large class of intending immigrants—those who are illiterate; those who are unable to read in some language or dialect the mystical 25 words which may be submitted for their confusion by the inspector who meets them at Ellis Island or at any of the other of our ports of entry. If they are unable to satisfy the critical ear or the discriminating judgment of the philological inspector, they will be compelled to return whence they came; they are deported from what were once hospitable shores, and the gate of opportunity is slammed in their very faces. However honest, industrious, and worthy they may be, they are transformed into undesirables, and their feet must not touch the soil of the land of the free and the home of the brave.

There has just been passed in the House of Representatives what is known as House bill No. 6060, introduced by Congressman BURKE, of Alabama, a State where but few immigrants have settled. It is intended by this bill to regulate generally the subject of immigration. It is important, for our present consideration, only from the fact that it adopts literacy as the supreme test to determine the desirability of an immigrant. Hence it becomes important to consider whether or not it is right, just, and proper, and in accordance with the best traditions of our Government or consonant with the welfare of our people and of humanity that such a piece of legislation shall be permitted to find a place upon our statute book. This is not the first attempt in that direction. In 1897 a similar restrictive measure was passed by Congress, and President Cleveland, in the last days of his second term, on March 2, 1897, vetoed that bill, because he was opposed to it in principle, and because he deemed it contrary to the noble concepts upon which our Government was founded, one of which was to afford an asylum to all law-abiding men and women who choose to come here to take up their abode, desirous of observing our laws, and eager to become useful members of society. That was the last heard of such legislation until 1906, when it was again agitated. On that occasion the bill which contemplated a literacy test was amended so as to provide for the appointment of the Immigration Commission to which I have already referred, for the purpose of investigating the entire subject in all of its numerous phases. Nothing further was done in relation to such legislation until after the Immigration Commission had reported and had recommended as one of the possible methods of regulating immigration the adoption of a literacy test. Accordingly there was introduced in both Houses of Congress in 1912 what is known as the Dillingham-Burnett bill, which advocated the literacy test, formulated in practically the same terms as those employed in the bill which had been vetoed by President Cleveland in 1897. That bill passed both Houses and came before President Taft, likewise in the last days of his term, so that one of his last official acts was the consideration of this proposed law. After careful examination and study, after hearing elaborate arguments pro and con, he vetoed the bill upon practically the same grounds as those which had been urged against the same measure by President Cleveland, basing his message largely upon a report made to him by Secretary Nagel, then at the head of the Department of Commerce and Labor, himself an immigrant and the son of an immigrant, who demonstrated the fallacy of the contemplated legislation. The bill was then again voted upon in Congress and the President's veto was sustained. Now we are in the early days of a new administration. Again we are confronted by this same specter, and it would seem as though the time had come when it should effectually be laid away and a finality reached with respect to this kind of legislation. It must either be adopted and become a component part of our governmental machinery, a principle in our national life, or it should be so frowned upon that it will not again appear as a cause of vexation and as a menace to the humanitarian ideals which have made of us the great moral influence of the world. No good portent to the country can be seen in the constant agitation of a subject which involves racial distinctions and which tends to arouse the evil spirits of selfishness and intolerance.

What are the arguments that are adduced in favor of the literacy test? The burden of proof certainly rests upon those who ask for the adoption of such a test to establish its necessity. It is not for those who are opposed to it to show cause why it should not be adopted. Our whole past history indicates that up to the present time we have favored and encouraged immigration. The Declaration of Independence gave as one of the grievances of the American Colonies against the English Government that the latter was seeking to prevent immigration into the Colonies. After we became independent the immigrant was invited here, was encouraged to come, and so he has been encouraged ever since. We were but a handful of people at the beginning of the



nineteenth century. We had a country which needed development and which could not get along without immigrants. In fact all the people who resided in the original States were either immigrants or the children of immigrants not many generations removed. And that has been the story of our country from that time to this.

Take this audience. I have never seen it before to-day, but I venture to assert that a large proportion of those present are immigrants or the sons or daughters of immigrants, and that we will not be required to go back more than one or two generations to find that the ancestors of the representative Americans whom I am now addressing came hither from some European country. What is illustrated by those here assembled can be duplicated in almost every one of our great cities among those in every walk of life—yes, even in the Halls of Congress. We are a cosmopolitan Nation and have absorbed the best of the pioneer spirit that the brave men and noble women who came here from abroad brought with them. Our country has certainly not suffered in consequence of the adoption of a liberal immigration policy. Are we materially, morally, and intellectually worse off than we would have been if we had confined the privileges of this blessed country to those who were here at the end of the Revolutionary War and to their descendants? Would this country be more prosperous if its inhabitants consisted merely of the sons and daughters of the Revolution? I think you will agree with me that we would not in that contingency have materially progressed to where we are to-day. Our country would not have been developed as it has been. There would not have been that hum of the wheels of industry in our cities; our railroads would not have stretched from sea to sea; the farms of the Middle West would not have been cultivated; the mines in the Rocky Mountains would not have been opened; the coal and the iron in our various States would not have been developed; our population would be not one-third—no, not one-fourth—of what it is to-day; and we would not have become the world power, the intellectual, the civilizing influence that we now are, if the immigrant had not been freely admitted as a part of our population. It seems unnecessary to discuss this phase of the subject with any degree of detail; the statistics gathered by the Immigration Commission render further proof useless. The facts are so apparent to one and all of us that it is axiomatic that whatever we have accomplished materially in this country has only been rendered possible by the influx of immigration.

Now, how is it in civics? Has this country deteriorated on account of the immigrant? Have we a diminished sense of public obligation? Did the immigrant during the Civil War stay at home? Did he deny himself to the country of his adoption even before he had become a citizen? I remember that when I was a child, in the city of Syracuse, the One hundred and forty-ninth Regiment of New York Volunteers was enlisted, and Company A consisted entirely of immigrants. They fought for their new country with as much zest as they could had they been born here and had their ancestors for generations before been born here. In fact, those who have had occasion to study the immigrant find that he is apt to become Chauvinistic in his devotion to the country. They are often more Bourbon than the Bourbons, more royalist than the king. They are much more demonstrative in their attachment for the country and its institutions than are the sons and daughters of those whose ancestors came at an early day.

When you come to consider the manner in which the right of suffrage is exercised by them you will find that, in proportion, fewer naturalized citizens neglect the duties of citizenship than native-born citizens. This is especially observed in some of our older communities where immigrants are not encouraged and where a comparatively small portion of the voters actually exercise the elective franchise. I also assert that you will find less corruption among the voters who have recently migrated to this country, who are naturalized citizens, than you will find in some of the homogeneous communities where practically all of the citizens are native born. I have only to call your attention to the recent disclosures in Adams County, Ohio, where practically no immigrants reside, where there are few if any naturalized citizens, and where, nevertheless, nearly two-thirds of the native-born voters were disfranchised by judicial decision because they habitually sold their votes at elections. The same phenomena have been observed in Pennsylvania and in other regions where immigrants are not welcome. The reason why these immigrants are faithful to the sacred trust of citizenship is that they know what it is to be free, what it is to live in a land of liberty. They appreciate that great gift of freedom which is vouchsafed to them when they are permitted to land here and to become citizens. On the other hand, many of the elder inhabitants, of the elder generations, do not evince that zeal, that enthusiasm, that zest in the exercise of the freeman's franchise as do those who know from bitter experience what it is not to possess those privileges, and what it means to be oppressed and to be trodden under the foot of despotism.

But it is suggested by our opponents that they are not seeking to keep out intelligent immigrants—men who possess all these fine qualities. They say: "We admit that if everybody who came to this country were a Carl Schurz, or men of his type, then, of course, each of them would be a great asset; but the average man is not like Carl Schurz. He does not possess these ideal qualities. He is apt to be ignorant; he is illiterate; he is undesirable." Well, now, this argument of undesirableness is an old one. If you will read the records of Congress from 1820 on you will find that almost every class and every generation of immigrants to the United States was by some considered undesirable. If you refer to Niles' Register for 1821, and other similar publications, which I had the honor of presenting to a congressional committee several years ago, you will find a rather amusing collation of material illustrative of the idea that all who came years ago were desirable and all who come now are undesirable. It is there declared with much vehemence that the Irish is an undesirable immigrant, for he possesses this bad quality and that bad quality; that the German is undesirable, for he is clannish and does not assimilate; that the French Canadian is objectionable, for reasons best known to the objectors. When the Scandinavians came there were those who objected to them because they had the defects of their qualities. And so, as each of the several strains of nationality came to this country, the native American—I do not mean the Indian—and those of other nationalities which had preceded them indulged in criticism of them, and to-day you find that those nationalities which were criticized in 1821 and 1848, and 1860 and 1880, are now considered the salt of the earth. To-day, those whose advent to this country in 1855, and for some years thereafter, created the "Know-nothing" movement, are considered to be the desirable citizens. Their children of Irish, German, and Scandinavian extraction are among the leaders of the Nation, our captains of industry, the framers of our laws. Hence, these, the elder immigrants, are now termed the desirables, while those who now arrive are the undesirable. The former are desirable, because, it is said, very few of them come over here at the present time; the latter are undesirable because they are now coming in considerable numbers.

The Irish, the Germans, and the Scandinavians and their children who have been received are often heard to say that the Italians, the Slovenians, the Hungarians, and the Russian Jews are undesirable, probably because they speak another tongue, or when they first arrive are arrayed in different garb; or because they come from a different quarter of the world and pray and think and make love in a different language. All this talk about race difference means nothing to me. The real test is that of manhood and womanhood, that of character, that of industry. I do not think it makes a bit of difference as to his desirability whether a man was born in Russia, in Italy, Scandinavia, Scotland, Ireland, or Germany. From whatever land derived men are essentially alike. In 30 years from now we will not be able to distinguish the children of the people of these six different nationalities from those of the descendants of those who fought in the Revolution. Their children will have become an integral part of the American people.

Why, the other day in his report the Director of Education, Mr. Claxton, said that the least illiteracy is to be found in this country among the children of immigrants. Those who have occasion to examine the records of the public schools of the city of New York are witnesses to the same fact. If you read the lists of the prize winners in our public schools among those who stand at the head of their classes you will find Russian, Italian, Hungarian, and Bohemian names. They are children of the immigrant. They have a desire to learn, a thirst for knowledge which is extraordinary, and which is largely due to the fact that their parents admonished them to study, to take advantage of the education which they can acquire in this country, who therefore regard it as a religious duty to see to it that their children are educated and that the latter make amends for the illiteracy of their parents. How different are the poor whites in some of the Southern States who protest against the introduction of immigrants into this country. Compare their percentage of illiteracy with that of the children of the illiterate immigrant.

But it is said that the illiterate is undesirable, no matter what his children may become. The mere fact that the illiterate is a man of good character, of industry, is regarded as of no moment. He is undesirable; he is not needed in this country; and that is the end of it. Well, now, this inability to read does not affect a man's working power or his capacity to add to the wealth of the Nation or to the public weal. An illiterate Italian or an illiterate Bohemian or Hungarian can work just as well upon our railroads, can dig just as diligently in our subways and tunnels, can build our aqueducts, can perform all of our hard work as effectively as though he were able to read those magical 25 words which are the test of his right to be admitted into this country. These men certainly are more capable of doing work of the character named than a graduate of Oxford or Cambridge, of the Sorbonne, or of Heidelberg, or of any of the great European universities. A classical or scientific education is not required for the performance of severe manual labor. These men do not come to this country to make our laws or to run for Congress or to man our colleges. Our naturalization laws are now framed so that the right of citizenship is withheld from those unable to read and write or to speak the English language. There is a difference between immigration and naturalization. I recognize it. I agree that our laws regarding naturalization should be made so strict as to exclude from the elective franchise those who are ignorant or illiterate. But so far as immigration is concerned, literacy or illiteracy has no material bearing upon desirability.

Does the fact of illiteracy make a man undesirable as a resident? If so, then many of the great families of Virginia should not have been permitted to remain here. An article which appeared a few years ago in Scribner's, or in the Century, disclosed the fact by actual photographic copies of the signatures to deeds conveying lands in Virginia that the grantors, men and women who were the progenitors of some of the F. F. V's., the leading families of the State, were unable to write, because they signed by a mark; and that occurred only within the last century. If illiteracy makes people undesirable, then Abraham Lincoln would not have been in this country, because his father could not read or write; perhaps his mother could, but only with great difficulty. Andrew Johnson, whatever his faults may have been, which time has to some extent softened, could not read or write until he was 18 years of age; and still he became President of the United States. And so there are hundreds of thousands of men who have lived in this country and have achieved considerable success; have developed into important men; have brought up families which have been a source of honor and pride and glory to the land, who were unable to read or write. I know hundreds of men and women—in my early days I came constantly in contact with immigrants—who were of the class known as illiterates, and yet they enjoyed the respect of everybody in the communities in which they lived, because they were industrious; they were thrifty; they were conscientious; they brought up their families in the fear of God; they instructed their children so that they might have the advantages of education which the parents had been unable to acquire; and this experience is repeated in every corner of the land. The Italian who comes to this country as an illiterate sends his children to the public school. He sees to it that they are brought up differently from the way in which he was reared. He tries to make them American as speedily as possible. So far as the Russian Jew is concerned, he needs no encomium at my hands, because he has established his meritoriousness wherever he has had the slightest opportunity and has contributed tremendously to the common welfare.

But it is declared that there must be some kind of a test, and that of illiteracy is as good a test as any. I would say that it is just as bad a test as any. It is as bad to exclude immigrants on one ground as on another. There should be no exclusion that proceeds on an arbitrary basis. If there is to be a policy of exclusion it should proceed upon some rule of reason. Does the fact of illiteracy make a man an undesirable? Is it the fact that the illiterates constitute our criminals? Is it the fact that a man because of his ability to read and write becomes ipso facto desirable? Is it not well established that the most dangerous criminals that infest any country are those who make use of their knowledge of letters to carry out their criminal schemes; men able, sometimes, to speak fluently five or six languages; men well read, thoroughly educated, but nevertheless degenerates, forgers, blackmailers? They are the men who live on their wits, who thrive at the expense of others, who act on the principle that the world owes them a living. They are the parasites; not the illiterates, whose only resource is hard work. I have yet to learn that a man because he is able to read and write is of better character or a better man than he who can not, especially when it is not the fault of the illiterate that he has been deprived of the advantages of education. When he comes from a land which withholds from him these opportunities to seek a home in another, where he may improve his condition, it urges the possession by him of those positive qualities of the pioneer which have converted the wilderness into smiling prosperity.



There is something in his soul which lifts him above the common clay; there dwells in him an ambition which enables him to elevate himself. He has aspirations which point to higher things. He is not content to remain in the slough. He seeks to improve his standards of living and to advance his children in the social sphere through the medium of education. From that very fact he becomes at once a desirable accession to any community, and his children become the leaders of to-morrow.

But it is said that these illiterates do not intend to remain here permanently and are but birds of passage. That does not, however, concern us. We do not ask a man who can read and write how long he intends to remain here. We do not inquire, "Are you a bird of passage?" We have as much right to exclude the illiterate as the illiterate on the ground that his sojourn here may be temporary only. But suppose an illiterate, after he has worked here diligently and efficiently, should conclude to return to his native land. Is that a reason for the exclusion of others of his class? The tendency of population in the present day is to keep in a state of flux. Communities are no longer unchanging and unchangeable. The world has gotten to be one great family. It no longer consists of a multitude of fragments. Our relations with Europe to-day are much more intimate than those of a resident of New York were with one living in Savannah a century ago. If men come here to do honest work, to be useful members of society, what importance is there in ascertaining whether they are to remain here for a long or a short time or to determine what they are to do in the future?

A number of years ago this subject was discussed before one of the congressional committees, and Judge Bijur, who appeared before it, was asked: "Is it not the fact that a great many of these immigrants come here, work on the subways, aqueducts, and railroads, and after they have saved a sufficient sum of money return to Europe and remain there?" "Yes," replied Judge Bijur; "I have no doubt that is the case; but it is also the fact that the subways remain, the aqueducts remain, and the railroads remain here." These immigrants have come, they have worked faithfully, they have given something for what they have received, and they have as much right to use their money as they please and to spend it wherever they please in supporting themselves and their families as others have to spend their patrimony in riotous living or in paying for groceries or provisions or clothing or for a box at the opera.

I have said that some of the immigrants return to the countries whence they came, but the great mass of them come here to live; come with their families; come to establish homes, to become part and parcel of our population. That is true especially of those who are forced to seek a refuge here, who come here to avail themselves of the right of asylum and to receive that protection which hitherto has always been accorded by our country to political and religious refugees. Are we now to abandon that enlightened policy which has welcomed the oppressed of other lands? Are we now to forget that proud tradition, and say to the unfortunates who are practically driven from their own homes by the denial of the right of conscience, "Although this is the land of liberty and of freedom, you will not be suffered to enter our gates, even though you are a refugee from political and religious persecution, because, forsooth, in consequence of the oppressive laws and the discriminatory legislation to which you have been subjected in the land of your nativity you were not permitted to learn to read and to write"? That is precisely what the pending bill threatens to do, although the iron hand is clothed with a velvet glove. It is declared in the bill that those who come here "solely" to escape from religious persecution are not to be subjected to the prohibition of the act. "Solely!" If a rich immigrant arrives, he might conscientiously say that he comes solely to escape religious and political persecution, because being possessed of adequate means it would not be necessary for him to work for a living. But the poor man, the immigrant of moderate means, who is driven to seek asylum here by the most vile and most oppressive persecution disclosed in the history of the world, as in the case of the Russian and the Roumanian Jew, the Protestant Finns and the Catholic Poles, can not conscientiously say that he comes here "solely" because of persecution. He can not say that he will not seek employment or engage in business, for that would not be the truth. He expects to work. He expects to lead a life of usefulness, and not one of idleness. But if he tells the truth and admits his purpose, if this bill is enacted, he will be told, "You are not here 'solely,' because you are seeking refuge from political and religious persecution. We are sorry for you, but you can not be admitted." Even the victim of the infamous blood libel would not be admitted were he an illiterate. However strongly this argument has been presented to the fathers of this legislation they remain obdurate and insist upon retaining this shibboleth, the word "solely." Thus they are merely holding out the word of promise to the ear, to break it in the fulfillment. They indulge in fine words which bring no advantage to those whom they pretend to favor. They recognize the moral right of the victims of persecution to knock at our gates and to expect a hearty welcome, but in spite of that fact they so frame their invitation as to exclude them from the very benefits to which their right is conceded.

Then, again, what is meant by "persecution"? The framers of the bill have been asked to define that term. To the ordinary mind, which may include that of an immigration officer, persecution implies the exercise of force and violence, the application of the thumbscrew, or of some other form of torture. It bears the connotation of a St. Bartholomew's night, of the Spanish inquisition, or of a Russian pogrom. But there are forms of persecution which are infinitely worse than these, more subtle and more effective—the slow but continuous operation of repressive, oppressive, and discriminatory laws and regulations is infinitely worse and more destructive in its consequences than sudden and momentary physical violence. It is insidious and lasting in its injuries; it works day and night, year in and year out; it is a constant horror sleeping and waking; it is a vexation of mind and spirit; it undermines the powers of resistance, destroys hope, and brings despair to the soul. Yet when the projectors of this legislation are asked to define this word as including persecution, whether accomplished through overt acts or by discriminatory laws or regulations, they balk at the phrase and obstinately decline to add one word, one syllable, or one letter to the talismanic phraseology which they have adopted. Is not, then, the inference irresistible, that in spite of their fine words they have no other purpose than to keep out of this country all immigrants who happen to be illiterate, irrespective of the reasons which have induced them to come hither? These immigrants certainly have no intention to return to their native land. These victims of oppression, whether it be political or religious, or both, who come from Russia or Roumania have no desire to resume a residence in those

stepmotherly lands from which they have fled as from a pestilence. They, at least, have come here to stay, to abide here with their children, to take advantage of the opportunities which have been arbitrarily denied to them, without any fault of theirs, by their oppressors in the lands of their nativity, and they can not possibly return whence they have come. This is a most objectionable feature of the proposed legislation, because it is cruel, harsh, and unjust, and contrary to one of the fundamentals of our national spirit.

The restrictionists further contend that immigration must be diminished because of economic considerations; that however beneficial it may have been 20, 30, 40, or 50 years ago, it no longer is of advantage. It is claimed to be necessary to curtail immigration because of the high cost of living, and because of the desirability of maintaining a high standard of living.

Now, in the first place, the argument is fallacious from an economic standpoint. I care not how voluminous are the statistics that may be gathered, the fact remains that the immigrant is almost without exception usefully employed; he works; he is industrious. He is obliged to work if he wishes to remain here. Under the existing law, if he becomes a charge upon the public, he is almost automatically deported. Consequently, if he fails to work he can not remain, and if he works it is evident that he is needed. "Ah," comes the triumphant reply, "then he takes the bread out of the mouths of our own people, of those who have been here before him. His employment leads to the unemployment of his predecessors." That is also a fallacious statement. The immigrant who comes to this country generally does work that nobody else does or would think of doing. Take the native Americans; take the elder immigrants, and ask them to do the work which the later immigrants are now doing in the blast furnaces of Pennsylvania, on the railroads, on all public works; they certainly would, as a rule, refuse to do it. They have risen in the social scale; they are engaged in doing other work, that of a mechanic, such as calls for special skill or training, work of a different character from that of the common laborer; they are engaged in other employments. Some go into commerce, some into manufactures, some in the skilled trades, and most of them occupy other and different relations to the community than that which they filled when they first came to this country. I had occasion to investigate this proposition in 1909 as chairman of the State commission on immigration. The fact was demonstrated that there was little that the recent immigrant did that interfered with the occupations or activities of the elder immigrant or the native American. The latter did work to which they were adapted, while the immigrant did such as the native-born American or the earlier immigrants would not do. Their tendency is to seek work which is light and easy, which does not require much physical exertion, which calls more for mental adaptability than for muscular effort. That is the reason why our farms are to-day deserted by the sons of the native farmers. They throng to the cities and become bookkeepers, clerks, stenographers, salesmen, or perform other functions which do not involve severe manual labor. It is the immigrant who has to take the place of the man who goes what is sometimes termed higher up, but which, unfortunately, frequently means going lower down. At all events, it is the actual fact, as to which a careful observer can easily convince himself, that the immigrant does that kind of work which has been abandoned, neglected, or given up by others, and which has been treated as beneath them by the native born and by those who constitute the earlier strain of immigration.

Again, our opponents say the immigrant lowers the rate of wages; he does not join the labor unions; he does not unite with other laborers or other workmen in his trade; he is a strike breaker. Now, is that the fact? Those who study the subject will find that it is not, but, on the contrary, that the recent immigrant joins organized labor as quickly as he is admitted into its ranks. In the city of New York you will find that in almost every industry the recent immigrants have formed themselves into trade-unions. There are Hebrew trade-unions, Italian trade-unions, and those of other nationalities. This has been done because existing unions have been slow to accept them into their organizations. They adapt themselves, however, rapidly to prevailing conditions. In fact, they have contributed largely to the standardization of labor. Much commendation has recently been accorded to the so-called protocol by which the notable strike of the cloak makers was settled in 1910, and by means of which that industry has been practically standardized. Having been the mediator who brought about the settlement of that strike, and having had much to do with the framing of that protocol, modestly forbids me to enlarge upon this subject. I merely wish to show that here was an industry in which 70,000 tailors were engaged, who almost to a man and to a woman were recent immigrants. None of them had been in this country as many as 20 years; most of them had been here for less than 10 years, and yet they all united for the purpose of creating a new method for the determination of industrial disputes with their employers, and succeeded in evolving a plan for dealing with labor problems which was up to that time unique and which has since been adopted in many other industries, thus marking the advent of a new era in the relations of employer and employee.

I would stop here but for the fact that I wish to say a few words with regard to the novel idea which Senator DILLINGHAM has recently evolved with respect to the restriction of immigration. He has confessed in his argument here that he does not consider the illiteracy test an ideal one; he does not even argue that it is a proper one or one based upon reason. He seems to say with entire frankness: "We are admitting too many immigrants. There should be some way of cutting down the number. Therefore we propose to adopt this for want of a better test; that will at least reduce the number of immigrants of certain nationalities probably to two-thirds of what it is to-day." But he adds, "I have invented another test which, perhaps, is better than the illiteracy test—the percentage test. Let us provide that there shall not be admitted in any year more than what shall be equal to 10 per cent of the number of each of the several nationalities now constituting a part of our population. In other words, if there are 1,000,000 Irishmen in this country we will not hereafter admit more than 100,000 Irishmen in any year; if there are 2,000,000 Germans, we will annually admit 200,000 Germans; if there are 100,000 Russians, we will admit 10,000, and so on."

Nothing could be more arbitrary than such a regulation. Our immigration laws would be based on a mere accident; not on the physical, moral, or intellectual qualities of him or her who now seeks admission, but on the circumstance that others of the same nationality have in the past come in large or small numbers. The rule is not based upon the numbers who may have come from those countries in the preceding year, but upon the numbers that have come in years gone by, whether such immigrants were individually good, bad, or indifferent. Hence



those coming from the lands of the elder immigration would unquestionably be admitted, because their precursors have been numerous, and immigration from those sources has in recent years grown smaller, while the immigration from lands whence the largest numbers now come would be greatly decreased. The effect would be that not so many Englishmen or Irishmen or Germans would be coming to this country as would equal the 10 per cent allotment to which they would be entitled. To-day fewer Irishmen come than formerly, because the days of home rule are near. In Germany industrial conditions have improved, and therefore there is less likelihood that migration from Germany will be maintained. The same thing is true of England, and a comparatively small number will come from there. Oh, but these people would be welcome, because they no longer desire to come; but as to those who do—that is another story. Inasmuch as Italian immigration is comparatively new, under this rule the number of Italians who might be annually admitted would be reduced to a very small number, as would those coming from Russia. Hence by means of a mathematical formula, regardless of the welfare of the country and of the behests of justice, right, and equity, presto, the problem is solved. In my judgment it would be ten times more honorable to declare that we will not henceforth receive any immigrant from Italy or from Russia or from Hungary or from any other European country south of a certain latitude than to try to accomplish such a result by this indirect and tortuous method, which savors of unfairness and injustice and which is entirely dependent upon the accidental operation of an arithmetical rule empirically devised. How would it work? When would the dead line of exclusion be reached? When would the gullotine operate, and on whom? Why, a man sells his household goods in Russia or in Hungary. He abandons his home to seek a better and a happier one in America. He buys his tickets and crosses the Atlantic. He arrives at Ellis Island, his soul filled with noble emotions and his mind with high resolves. He is in every way fitted to become a citizen of this blessed country. He is strong, in perfect health, vigorous, industrious. When he reaches the commissioner's office the books are opened, and it is found that he is too late or too early. He is politely told: "We are very sorry, but yesterday the percentage limit of those entitled to come from your country was passed. You must return whence you came. If you try again early next year, you may come in time. In the meantime you must either anchor outside of Sandy Hook or do the best you can to find another habitation."

And that is the kind of legislation that is seriously proposed in the Halls of the Congress of this liberty-loving land; of this land where we boast of justice, of fair play, of brotherly love, of humanity, of altruism! Does it not provoke sardonic laughter? The pity of it is that this is the project of one who declares, with entire sincerity, that he admires our immigrants, that he hates persecution and oppression. Yet his panacea would effectively exclude the very men of whom he speaks with sympathy.

Again, how many of a certain class of people can come here? Take the Russian Jews—I speak of them because I have studied their condition with more detail than that of other immigrants, and their fate is nearest to my heart, because I know the absolute necessity of keeping our doors open to this people, whose sufferings have not been equaled in the sad history of that much-suffering nation—60 per cent of all classified Russians come from Poland and are only in small part Jewish. The remaining 40 per cent of the Russian immigration is Jewish. On what basis will the percentage limit be calculated? Which of these two classes of Russian immigrants would secure the benefits of it? On which of them would the inexorable rule of exclusion operate? Why, the poor unfortunates who have been driven from pillar to post, who have no choice but that of destruction on the one hand and death on the other, would be required to return, if they may, into that charnel house from which they have sought to emerge in the hope of finding liberty and freedom in this blessed land because our finest traditions have been subordinated to an arithmetical test.

I have not the patience to discuss this phase of the subject further. I do not believe that our lawmakers are so deaf to considerations of right and wrong as to regard such a test with equanimity. Let our laws be so framed and enforced as to keep out criminals, defectives, those who would become a public charge. Let them not, however, despise those forces which have contributed to our national prosperity and which have added to the idealism of our people.

#### DISCUSSION.

Prof. JENKS. I am sure that you all agree with me in thanking most heartily Mr. Marshall for this most instructive and most inspiring address. You know it is our custom to have questions after the address, and we still have a few minutes that can be spent in that way.

Question. To what extent would the large immigration affect the question of employment?

Answer. It has been demonstrated that unemployment is not at all affected by immigration. There are always certain industries which are seasonal industries, in which there are always at certain times of the year men and women out of employment, but that is not in any way due to the immigrant. It exists in industries in which comparatively few immigrants are employed. It exists largely in industries in which immigrants are principally employed.

It is a fact, which is established by the statistics collated by Prof. Hourwich in his book entitled "Immigration and Labor," from the report of the Immigration Commissioner, and from other official sources, that whenever there occurs in our commercial or economic life business stagnation with resultant unemployment automatically immigration is suspended. Those abroad know instantly whether an opportunity for employment exists in this country. If a state of unemployment prevails, they remain at home. At the same time the safety valve operates in another direction. At times of unemployment a large percentage of recent immigrants return to their former homes. Thus in 1907, for instance, immediately following the panic of that year, the extent of emigration from this country was equal to the immigration into it. There was absolutely a state of equilibrium. There was, therefore, no increase of unemployment in consequence of immigration.

Question. We have a great deal of that cheap labor. Does that affect the employment of machinery—the fact that machines are engaged in digging and that kind of thing it would seem to me we ought to have gotten to a point now where we do not need them?

Answer. But, Madam, the argument has heretofore been urged by the laboring people that the greatest enemy that labor has ever had has been machinery.

Question. They have become enlightened now; they have seen that it is not.

Answer. It is a fact that a so-called labor-saving machine takes the place of quite a number of men previously engaged, and in that

way it does affect those immediately engaged in that particular branch of labor to the detriment of labor, so far as the physical work is concerned, until they find other employment.

Question. You say these immigrants do the work that the other people do not do. You do not think that the Russian Jew does that sort of labor, do you?

Answer. But the Russian Jews do perform severe manual labor. To-day they are among the most active factors in the building trades of this country. They are masons; they do the structural ironwork for the large apartment houses; they are plasterers and carpenters; they are painters and paper hangers; they engage in all these and other different industries. The needle industry was created by them very largely. They produce in the city of New York in the cloak and suit making industry alone in one year \$250,000,000 worth of product, and they are engaged in all kinds of industrial pursuits. They do not dig to the extent that the Italian and Hun does, because they are able to do a higher class of work.

Question. Have they driven other nationalities out of the cloak trade?

Answer. They have not driven any nationalities out of that trade, for the reason that it is in great measure an industry which they themselves have created. The cloak industry and the skirt industry was practically nonexistent in the city of New York and in other parts of the country until the Russian Jew came and made it what it is, created something where before there was nothing, and, so far as driving anybody out of work is concerned, to-day the Italians are entering into the needle industry to a very large extent.

Question. It is admitted that we have plenty of room in this country, but is there not a danger now that we are facing what we have not faced in the last hundred years—of being unable to assimilate so many that are coming to-day? Haven't we got a problem that we have not had before?

Answer. I do not so conceive it. I think that assimilation is proceeding very rapidly. Perhaps I may be something of a reactionary, but I fear that sometimes it goes on too rapidly. I should like to see the immigrants proceed somewhat more slowly in the process of assimilation. I would like to have them maintain some of the fine ideals and the admirable characteristics which many of them bring to this country and not to lay them aside hastily for the purpose of making more rapid advances materially. I am sure that they are assimilating as rapidly as it is desirable that they should. I speak advisedly, because I have had exceptional opportunities to observe them in that regard, having actively worked among immigrants for many years. I have observed them in the Educational Alliance and other similar institutions, and it is really astounding to realize how rapidly they assimilate. If you ever have the opportunity of observing the salute of the flag by school children who have only been in the country for one or two years and to witness the spirit with which they regard American institutions, you would be convinced that the work of assimilation is proceeding with great strides. It is more easy to assimilate to-day than it was in the earlier days of immigration. When my good father came to this country, in the part of the country where he first came, a foreigner was regarded as a strange manifestation. It was really supposed, especially if he were a Jew, that he ought to have horns. He was believed to be entirely different from other people. These immigrants did not have the opportunity of improving one another that now exists. To-day there are organizations in every community which strive with all their might to aid their brethren to adopt the customs of the land and to become good American citizens.

Question. It is a well-known fact that the average wage in this country is higher than in Europe. Now, in the event of increasing immigration what is to prevent the leveling of the wages between this country and Europe?

Answer. It has not as yet been effected, and there is nothing to indicate that there is any likelihood that there will be such a leveling. The tendency has been to the contrary. In recent years the trend has been toward the increase of wages. Of course it is also true that the cost of living has increased, which, to some extent, would balance the increase in wages; but the wage earner in this country has never gone backward, either as to the extent of his compensation or in his standard of living. His scale of living has improved materially. His housing conditions have improved, and his wages have increased in amount more than in proportion to the increased cost of living. I see no occasion for any fear with regard to the leveling of wages, because in most of the countries from which the immigrant comes there are not industries of the character existing in this country. Hence there can be no reasonable expectation that that leveling process to which you refer will take place. Of course, the whole subject can be easily regulated by a protective tariff based on the difference in wages here and abroad. If there ever was danger of other nations meeting us in the field of competition to such an extent as to endanger the welfare of our employees, Congress would speedily adjust the difference.

Question. Isn't it a fact that the literacy tests would not bar the Russian Jew, as he has had opportunity to learn to read and write Hebrew?

Answer. Unfortunately, that is not the case to-day. There was a time when there was no such being as a Jewish illiterate. Prior to the beginning of the influx of the Russian-Jewish immigration in 1880 I knew of but one Jewish illiterate, and he was wounded on Lookout Mountain fighting for the Union. In Russia, however, to-day conditions are such that the opportunities for education, even to the extent of reading the prayers and the Bible in Hebrew, are no longer what they were. The Jews are not permitted to conduct their schools as they formerly did. The Government interferes with them in every possible way. As a matter of fact, 18 per cent of the Russian-Jewish men who arrive here to-day, and about 30 per cent of the women, are illiterates. I have here a pamphlet written by Mr. Lucien Wolf, the distinguished English journalist, entitled "The Legal Sufferings of the Jews in Russia," being a survey of their present situation, with an appendix of the oppressive laws applicable to them. It has an introduction by the distinguished publicist, Prof. Dicey, of Oxford University, in which he lays stress upon this very fact, and shows that a people which during the Middle Ages was a literate people, when all around them was practically a howling wilderness of ignorance and illiteracy, has to-day as a result of these restrictive laws, reached a state where illiteracy is no longer unknown. It is for this very reason that whatever general rule may be adopted as to the promulgation of an illiteracy test, it would be the acme of injustice to apply it to those whose illiteracy is directly traceable to religious persecution.

JAMES P. CLARKE, a Senator from the State of Arkansas, appeared in his seat.

## SHIPMENTS OF COPPER ABROAD.

Mr. WALSH. Mr. President, since the commencement of the present devastating war in Europe shipments of copper from the United States to ports of neutral nations on the Continent, reaching the enormous aggregate of 19,350 tons, have been seized and are for the greater part being held by Great Britain as contraband. At the prevailing prices, which are more or less depressed in consequence of the interruption in trade, arising by reason of hostilities, the merchandise involved in the seizures has a value in excess of \$5,500,000. Thirty-one ships have been relieved of their copper freight—4 destined to Holland, 14 to Italy, and 13 to

Sweden. Nine thousand three hundred and fifty tons are piled up at Gibraltar. Detailed information will be found in the following table, giving, among other things, the ship affected, the quantity seized in each instance, with the date of seizure, the place at which the cargo is held, and the country to which it was consigned.

I ask that the table be printed in the RECORD without reading.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Name of steamer.	Nationality.	Date of sailing.	Destination.	Date of seizure.	Shipper.					Total.	Where held.	Status.
					American Smelting & Refining Co.	United Metals Selling Co.	American Metal Co. (Ltd.).	L. Vogelstein & Co.	Norfolk Smelting & Refining Co.			
					Tons.	Tons.	Tons.	Tons.	Tons.	Tons.		
Belgia.....	German.....	July 19	Hamburg...	Aug. 5						100	Liverpool.....	About to be released.
Rotterdam.....	Dutch.....	Sept. 15	Rotterdam...	Sept. 26	565	395	131	400		1,491	Bought by British.	Sold to British Government.
Potsdam.....	do.....	Sept. 22	do.....	Oct. 9	500	500	325	480		1,805	do.....	Do.
Westerdyk.....	do.....	Sept. 21	do.....	do.....	605					605	do.....	Do.
Sloterdijk.....	do.....	Sept. 9	do.....	Sept. 26			89	300		389	do.....	Do.
Ascot.....	British.....	Oct. 10	Italy.....	Oct. 26	450	500	300	50	40	1,340	Gibraltar.....	Prize court, Gibraltar.
Palermo (from Boston).....	Italian.....	Oct. 20	do.....	Nov. 2			300			300	do.....	Do.
Regina d'Italia.....	do.....	Oct. 15	do.....	Oct. 26	150	420	200	410		1,180	do.....	Do.
Italia.....	do.....	Oct. 24	do.....	Nov. 8	400	300			200	900	do.....	Disposition unknown.
Kronland.....	American.....	Oct. 15	do.....	do.....	800	500				1,300	do.....	Do.
San Giovanni.....	Italian.....	Oct. 14	do.....	Oct. 26	550					550	do.....	Do.
Duca d'Genoa.....	do.....	Oct. 17	do.....	Nov. 8	300					300	do.....	Do.
Verona.....	do.....	Oct. 21	do.....	do.....	225	100				325	do.....	Do.
Europa.....	do.....	Oct. 28	do.....	do.....	300					300	do.....	Do.
San Guglielmo.....	do.....	Oct. 21	do.....	do.....	400	300				700	do.....	Do.
Tabor.....	Norwegian.....	Oct. 26	do.....	Nov. 13		510		260	250	1,020	do.....	Prize court, Gibraltar.
Taurus.....	American.....	Nov. 1	do.....	do.....		400				400	do.....	Disposition unknown.
Perugia.....	British.....	Nov. 8	do.....	do.....		515				515	do.....	Do.
Norheim.....	Norwegian.....	Oct. 17	do.....	Nov. 18		400		25		425	do.....	Do.
Sif.....	do.....	Oct. 31	Sweden.....	do.....			400			400	Glasgow.....	Prize court, Glasgow.
Sigrun.....	Norwegian.....	Nov. 8	do.....	Nov. 26			400	50		450	Newport.....	Prize court, Newport.
Ran.....	Swedish.....	Nov. 13	do.....	Dec. 1		250	400			650	Liverpool.....	Prize court, Liverpool.
Antares.....	Norwegian.....	Oct. 22	do.....	Nov. 14		250		400		650	do.....	Disposition unknown.
Tyr.....	do.....	Oct. 29	do.....	Nov. 19		350		400		750	Glasgow.....	Do.
Francisco.....	British.....	Oct. 17	do.....	Nov. 2				200		200	Hull.....	Do.
Idaho.....	do.....	Oct. 24	do.....	Nov. 10				200		200	do.....	Do.
Toronto.....	do.....	Oct. 31	do.....	Nov. 15				200		200	do.....	Do.
Marengo.....	do.....	Oct. 10	do.....	Oct. 25				200		200	do.....	Do.
Gallio.....	do.....	Nov. 7	do.....	Nov. 23				200		200	do.....	Do.
New Sweden.....	Swedish.....	Dec. 6	Stockholm.....	Dec. 28	730					730	Newcastle.....	Do.
Soerland.....	Norwegian.....	Nov. 27	do.....	do.....	600					600	Lieth.....	Do.
Canton.....	Swedish.....	Nov. 12	Stockholm and Gothenburg.	Dec. 1	375					375	The Tyne.....	Do.

Mr. WALSH. In magnitude no interference with commerce between neutrals of which our annuals make mention can compare with that to which the attention of the Senate is now directed. It presents features no less singular, as will be developed in the course of these remarks. That the significance, from an industrial point of view, of this extraordinary interruption of the commerce between nations at peace with all the world may be appreciated, I venture to digress to present some facts touching the production of and trade in copper.

The United States produces more than one-half of all the copper mined, the world production of 1912 amounting to 1,006,635 long tons, of which 554,835 tons came from our mines. Mexico ranks second, with 70,000 tons, and Japan third, with 65,000. From 1892 to 1906, inclusive, the great State which I have the honor in part to represent in this body, held the primacy among the States of the Union in the production of copper. She lost it to Arizona in 1907, regained first place the next year, but was passed again by her younger sister in 1909, since which time Arizona has been producing annually about 30 per cent of our copper, Montana about 25. Though this Nation likewise ranks first in the consumption of copper, our manufactories taking 371,800 tons in 1912, we export 62 per cent of our total output, approximately 346,000 tons going abroad in that year. Next to cotton the most important product in point of value exported from the United States is copper.

Our foreign market is, consequently, vital to the copper industry. Any serious interference with it is immediately reflected in the communities in which the ores are mined and smelted. Any prolonged disturbance in or substantial curtailment of that market must necessarily be attended with business disaster in the affected centers.

Our exports go to nearly every European country. Germany has in recent times been our best customer, that country taking in the 10 months of 1913, ending with October,

259,000,000 pounds. Holland affords the next best market, its ports absorbing 148,000,000 pounds during the same period. Then, in order, come France, taking 128,000,000 pounds; Great Britain, about 111,000,000; and Italy, 35,000,000. As the consumption of Holland does not exceed 1,000 tons annually, it is to be presumed that the greater portion of that customarily unloaded at her ports finds its way, under normal conditions, into the adjacent countries, much of it doubtless going to Germany. It seems likely that quite one-half of all copper exported from the United States within the last half dozen years went to that great industrial nation. The war has closed that market to our producers. Grave as is the situation which confronts us because of its loss, there is no disposition to question the propriety on the part of any belligerent nation to exclude copper from the territory of its enemy if it lawfully can. That loss is endured with such patience as they can command, by the operators and the miners alike. Multitudes of the latter in enforced idleness must make such provision as they can against the rigors of an inhospitable winter climate. No little destitution must follow and great industrial loss.

The exigencies of the war, in which we are in no wise concerned, will necessarily entail hardships and suffering upon the laborers in the copper mines and in industries more or less dependent upon them. It might reasonably be assumed that the Government of the United Kingdom, with which we are happily in amity, would not wantonly add to the detriment which is occasioned by the destruction of the German market, the discomfort and distress that must ensue from the closing to our trade of the ports of the neutral nations of the Continent.

All the leading producers of copper have been forced to curtail their output to the extent of nearly 50 per cent, as exhibited by the following table, showing the monthly production of the companies listed from January to July, inclusive, 1914, as compared with that of more recent months.



	Anaconda.	Utah.	Nevada Consol.	Chino.	Ray Con- sol.
January-July.....	22,886,000	10,116,592 to 13,080,509	4,483,175 to 5,791,122	5,389,242 to 6,344,652	5,531,308 to 6,274,520
August.....	14,745,000	7,833,244	3,062,637	3,206,694	3,142,558
September.....	12,400,000	6,338,580	2,718,471	3,121,645	3,122,967
October.....	11,800,000	6,427,126	2,801,507	2,907,000	3,115,967

<sup>1</sup> Average per month.

In the case of the following five mining companies the normal monthly production is compared with present production.

	Normal production.	Present production.
Old Dominion.....	3,000,000	1,600,000
Shannon.....	1,200,000	1,200,000
Penn Mining.....	300,000	300,000
Ducktown.....	500,000	500,000
East Butte.....	1,000,000	1,000,000
	6,000,000	2,400,000

As the seizures complained of were made upon the claim that the merchandise involved is contraband of war, a little attention to the legal aspects of the controversy is essential to a proper understanding of our rights in the premises and of the obligation, from the standpoint of international law, of the nation whose dominant position as a sea power enables her thus to interdict peaceful commerce.

A state of war imposes no obligation upon neutral nations to cease trading with the belligerents, nor is it any breach of neutrality on the part of the former to permit their citizens to sell either to the governments at war or to their citizens any commodities, even such as are to be used directly in prosecuting it, like arms and other destructive agencies. However, a belligerent may, without offense against international law, seize upon the high seas articles in transit to the enemy country intended for the use of the forces of the latter in the field or calculated more or less directly to promote its success in the conflict. Articles so subject to seizure are referred to as contraband of war.

Contraband is ranked under two heads—absolute and conditional. Absolute contraband includes those articles which are peculiarly adapted to war, such as arms and ammunition and military and naval equipment. Conditional contraband consists, generally speaking, of articles which are susceptible of use in war as well as for purposes of peace, but which are in course of transport for use in the prosecution of the war.

When absolute contraband is destined to one of the countries at war, whether to the government or to an individual in that country, it is subject to seizure and confiscation by any opposing belligerent. As the use to which it is to be put determines its liability to seizure in the case of conditional contraband, its destination is a controlling factor. If destined to the army or navy or to a place occupied and held by military forces, it is contraband; if not so destined, articles falling within the category of conditional contraband are presumably not intended for warlike uses; as, for example, when bound to an individual or a private concern. If they are not shipped for use in connection with the conduct of the war, they are not subject to confiscation and their seizure is unjustifiable.

As to many articles there would be very general concurrence that they should be regarded as absolute contraband; others could easily be characterized as conditional contraband, and still others would, in honest minds, so remote is their usual use from the activities of war, like cotton, for instance, be classed as neither the one nor the other. But with respect to a multitude of commodities the widest divergence of view may obtain as to which of the three classes may claim them, the neutral nations' interest impelling them to contend for a restricted contraband list, the belligerents, particularly those strong at sea, obviously disposed to extend the category of commodities subject to seizure. A circular issued by our Department of State on the 15th of August last says:

5. What is contraband of war is to be determined by international law and usage, influenced in some degree by the positions assumed by the belligerents. As there is no final tribunal for the definite determination of these international questions, they are not as determinable as questions of domestic law. There are no general treaties amongst the nations of the world determinative of contraband of war. The London convention, 1908-9, though signed by the delegates of the countries at war, of the United States, and of other countries, was not ratified by the signatory Governments, and is valuable only as indicating the disposition of the Governments represented.

Immediately upon the breaking out of the war Great Britain and Germany made announcements as to the articles which they respectively would consider as absolute and as conditional contraband, the lists in each case being substantially identical with those of the Declaration of London, except that the British transferred air craft and accessories from the conditional to the absolute list. Copper was included in neither. That convention, however, expressive of the views of the nations as to what ought to be done should any belligerent desire to enlarge the classes of articles falling within the designation of either absolute or conditional contraband, provided that articles might be added to either list by a declaration, which should be notified.

On the 20th of August an important proclamation was issued by the British Government, which, however, did not affect copper until September 21, when, for the first time, that metal was declared conditional contraband. The proclamation referred to dealt with two features of special interest in this inquiry. In the case of conditional contraband it had always been held that the belligerent making the seizure was required to prove that the goods involved were intended for the use of the enemy's forces. Great Britain had herself stood for this doctrine, and there was no dissent from it. In the course of the Boer War, Lord Salisbury defined the position of the Government of that country, a shipment of American goods drawing from him the following declaration:

Foodstuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was, in fact, their destination at the time of the seizure.

Certain presumptions were indulged, however, in favor of the belligerent nation in making its case. By the Declaration of London the martial destination was to be presumed to exist in the case of goods consigned to enemy authorities, or to a contractor in the enemy country who, as a matter of common knowledge, supplies articles conditionally contraband to the enemy, or to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy.

The so-called Order in Council of August 20, ultimo, referred to, extended the scope of the presumption to embrace goods "consigned to or for an agent of the enemy State, or to a merchant or other person under the control of the authorities of the enemy State." If this recital is to be given the force which naturally attaches to its language, all distinction between absolute and conditional contraband is wiped out, since every person within an enemy State is under the control of the authority of that State. The presumption thus indulged may, indeed, be rebutted, but in practice the effect is as stated, since the shipper is in no situation to establish that the consignee did not intend to pass the goods along to the armed forces. By another provision of the order mentioned, the "continuous-voyage" rule was asserted, though the Declaration of London gave it no countenance. Article 35 thereof declares that "conditional contraband is not liable to capture except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port." If that rule obtained, conditional contraband of all kinds and in unlimited quantity might be unloaded at Rotterdam or Genoa, though its ultimate destination might be some German city, from which it was to be drawn upon to supply the armies in the field.

The order to which reference has been made declared conditional contraband liable to capture "to whatever port the vessel is bound and at whatever port the cargo is to be discharged." Thereupon ships sailing for neutral ports but carrying articles proclaimed as conditional contraband were subject to be overhauled and relieved of the same upon the claim that they were in fact destined to the enemy's forces.

As will be hereafter shown, our Government is in no position to object to this last-mentioned feature, but it is to be borne in mind that it had at the time it was issued no relevancy to shipments of copper, nor did it have until September 21, when, for the first time, copper was by proclamation declared to be conditional contraband. Thereafter a ship sailing to Bergen, Norway, or to Genoa, Italy, might be stopped and relieved of copper which was shipped with intent that it should or knowledge that it would pass into the hands of the German Government for use in connection with its military operations.

On the 29th of October a further proclamation by the English Government was issued revising the schedules of absolute and conditional contraband, by which it was declared that copper would thereafter be treated as absolute contraband. Thereupon copper destined to Germany or Austria, whether for use by the Government of either in the conduct of the war or for

use in the arts of peace, though on a ship sailing to a neutral port, became subject to capture and confiscation.

Whether the Government of Great Britain has the right by its *fiat* to make copper either absolute or conditional contraband is a subject upon which it is not my purpose to enter. Doubtless our Government has protested or will protest, at least, against any attempt to hamper our trade by making it subject to seizure, though neither the consignor nor the consignee contemplate that it is to be devoted to warlike uses. I shall assume in the course of my remarks that it is contraband. The English prize courts, to which all the seizures made must go for adjudication, will give to it the status assigned to the metal in the royal proclamation, however it may afterwards be regarded in the course of diplomatic negotiations or before an arbitral board upon a claim for damages on account of the confiscation of any particular shipment.

It will be understood that in every case of seizure the prize must be taken to a court of the country making it before which the question of the liability to capture is tried. Provision is ordinarily made for an appeal, and if the owner of the cargo seized is given a fair trial and the cause is determined according to the recognized rules of international law, he may claim no redress through the diplomatic agencies of his own country. But if the trial proceeds upon a theory of the law contrary to that acknowledged by the country to which he owes allegiance, it insists upon redress through the diplomatic channels. In a case in which the seizure is plainly without justification, his country may and should require the immediate release of the property, and in any case may insist upon a speedy hearing before the prize court. Obviously the consideration which a belligerent owes to the citizens of a neutral and friendly nation imposes upon it an obligation to proceed in its prize court with all reasonable dispatch.

Reference was made to the recital of the Order in Council of August 20 to the effect that merchandise should be deemed contraband, either conditional or absolute, as the case might be, if in the one instance it was intended for warlike use by the enemy and was en route to him, or in the other it was destined to the enemy country, transshipment to be made from a neutral State to which the cargo was consigned. The principle which finds expression in that part of the Order was developed during our Civil War, though founded upon rules long prevailing in the English courts. An effective blockade of all southern ports was maintained by the National Government. Fleet ships manned by daring and venturesome navigators were persistently engaged in running the blockade despite the vigilance of the Navy. Some of these were attracted by the profits of a successful voyage, others were in the service of the Government of the Confederate States. It transpired that the insignificant town of Nassau, on the island of New Providence, in the Bahamas, a British dependency, was developing into a great commercial center, and it was scarcely a secret that its mushroom growth was due to the fact that merchandise brought there from England found its way into the war area by means of the blockade runners. This traffic resulted in the seizure of a number of ships flying the British flag and bound, ostensibly, for Nassau, upon the claim that their papers did not show their true destination, which was one of the blockaded ports, or that though they might intend to touch at Nassau, it was designed, at some opportune time to evade the blockading fleet to deliver their cargoes in the war territory, or that if their freight was to be unloaded at all at Nassau, it was not to be disposed of in the market that port afforded or delivered to a bona fide consignee doing business there, but was to be transhipped at some favorable season in violation of the blockade. The district courts of the United States, and afterwards the Supreme Court, held that if the real destination of the shipment was some port of the States in insurrection, it was of no consequence that the ship was on her course from a neutral port to a neutral port, if after arriving at such port, the purpose of those controlling her movements was to proceed past the blockading fleet to any of the closed ports, or even if the purpose was to transship the cargo to another vessel that might more safely or more courageously attempt to pass the barrier. The ship was in such case held subject to seizure and her freight to confiscation.

The principle upon which these cases were decided would justify the capture by a belligerent of a ship carrying contraband between neutral nations, if the real destination of the prescribed merchandise was within the enemy country.

In the cases referred to much of the freight involved was indeed contraband, but as all commerce was under interdict because of the blockade, that fact was important only as it bore upon the question of the real destination of the cargo. A more complete understanding of the principle involved will be as-

sured by some slight attention to the character of the freight carried by the offending ships.

In the case of the *Dolphin* (7 Fed. Cases, 868) a part consisted of 920 rifles and 2,240 cavalry swords described in the bill of lading as "hardware."

The *Bermuda* (3 Wall., 514) carried tea, coffee, drugs, surgical instruments, shoes, boots, leather, saddlery, lawns with figures of a youth bearing onward the Confederate flag, military decorations, epaulettes, stars for the shoulder straps of officers of rank, many military articles with designs appropriate for use in the Confederate States, cases of cutlery stamped with the names of merchants in Confederate cities, several cases of double-barreled guns stamped as manufactured for a dealer at Charleston, a large amount of munitions of war, five finished Blakely cannon in cases with carriages, six cannon without cases, a thousand shells, several hundred barrels of gunpowder, 72,000 cartridges, 2,500,000 percussion caps, 21 cases of swords, and, in addition, a large quantity of army blankets and other materials.

Touching the cargo of the *Springbok* (5 Wall., 1), the Supreme Court, in its opinion, said:

A part of it was specially fitted for use in the rebel military service, and a large part, though not so specially fitted, was yet well adapted to such use. Under the first head we include the 16 dozen swords and the 10 dozen rifle bayonets, and the 45,000 navy buttons, and the 150,000 army buttons; and under the latter the 7 bales of army cloth and the 20 bales of army blankets, and other similar goods.

Inasmuch as it is not my purpose to vindicate the judgments rendered in these cases by our courts, but rather to make clear the principle upon which they proceeded, I refrain from any detailed recital of the many circumstances present in each of the cases resulting in condemnation, leading to the conclusion that a manifest attempt had been made "to introduce contraband goods into the enemy's territory by a breach of blockade."

It was admitted, nay asserted, that if the cargo was destined for Nassau or some other neutral port, there to pass into its general commerce, it was not subject to seizure, even such of it as was contraband. In the case of the *Stephen Hart* (Blatch. Prize Cases, 387; 3 Wall., 559), bound ostensibly to Cardenas, Cuba, Judge Betts said:

If she was, in fact, a neutral vessel, and if her cargo, although contraband of war, was being carried from an English port to Cardenas for the general purpose of trade and commerce at Cardenas and for use or sale at Cardenas, without any actual destination of the cargo prior to the time of the capture, to the use and aid of the enemy, then, most certainly, both the vessel and her cargo were free from liability of capture.

The Supreme Court affirmed this doctrine in the case of the *Bermuda*, supra, saying that—

Neutrals might "convey in neutral ships from one neutral port to another any goods, whether contraband of war or not, if intended for actual delivery at the port of destination and to become part of the common stock of the country or of the port."

It was asserted by counsel—

Said the court—

that British merchants had "a perfect right to trade, even in military stores, between their own ports, and to sell at one of them goods of all sorts, even to an enemy of the United States, with knowledge of his intent to employ them in rebel war against the American Government." If—

Continued the court—

by trade between neutral ports is meant real trade, in the course of which goods conveyed from one port to another become incorporated into the mass of goods for sale in the port of destination; and if by sale to the enemies of the United States is meant sale to either belligerent, without partiality to either, we accept the proposition of counsel as correct. But if it is intended to affirm that a neutral ship may take on a contraband cargo, ostensibly for a neutral port, but destined in reality for a belligerent port, either by the same ship or by another, without being liable from the commencement to the end of the voyage to seizure, in order to the confiscation of the cargo, we do not agree to it.

Though the Government of Great Britain acquiesced in the decisions in these cases at the time and the commission appointed under the provisions of the treaty of Washington of May 8, 1871, gave its adherence to the rule announced in them, the doctrine of "continuous voyage," particularly as it was applied to the case of goods to be transhipped from the neutral port to which the vessel was bound when seized, has been assailed with unusual vigor on both sides of the Atlantic. The jurists of the Continent with practical unanimity have denounced it, and they refused to give any countenance to it, as shown in the Declaration of London. Our Government is, however, committed to the rule it developed or invoked in our time of trial, and has no disposition to recede from the position then taken to shield any of our citizens from the consequences of a violation of it. It was even made applicable in the case of the *Peterhoff* (5 Wall., 28), to contraband landed at a neutral port, Matamoras, Mexico, to be transported overland into the belligerent territory. Our citizens have accordingly no just cause of complaint if contraband articles are seized



at sea though they may be consigned to a neutral port, if the consignors intend that they shall not, or know, or have good reason to believe, that they will not pass into the general commerce or trade of the country to which they are ostensibly destined, but purpose that they shall or believe that they will be hurried to the country of the enemy of the nation making the capture.

Obviously the power assuming the responsibility for the capture must be prepared to establish that the ultimate destination is the territory of its enemy.

The cases from our own courts dealing with the subject of "continuous voyage" have been dwelt upon at what may seem unnecessary length, because the idea has been encouraged that our Government is now taking an attitude inconsistent with that assumed by it in the Civil War, and out of harmony with the rules our own courts had prescribed touching belligerent rights. How unfounded this claim is will appear as we proceed.

We may now return to inquire about the seizures giving rise to this discussion, with a view to forming some just judgment, in the light of the principles reviewed, as to the conduct of the Government of Great Britain in authorizing or countenancing them.

From such sources as are open to the general public it is learned that the captures were made and the copper held upon the claim—if, indeed, any specific claim at all is made—that it was not for consumption in the countries to which it was consigned, but was destined for Germany and to be used in connection with the prosecution of the war. I say if any claim at all is made in justification of the acts challenged—because about the only explanation vouchsafed to the shippers or which has found its way into the press is that shipments in unusual and extraordinary amounts were being made to the neutral countries of Europe, and particularly to Italy. From this it is left to be inferred that the claim is made that the particular shipments arrested were en route to Germany.

If Italy were not herself a large consumer of copper; if her seaports were not great marts in which copper is sold for consumption in the adjacent countries; if Genoa were Nassau; if Italy, in order that her own manufactories might be supplied, had not voluntarily laid an embargo upon the exportation of copper, the circumstance of heavy importations, so far as it exists, might be significant.

It will appear from detailed information to be laid before the Senate that copper in quantities quite above the average left our ports during the months of October and November for Italy, just as our exports to England have increased during the same period, and primarily for the same reason, namely, that Germany has supplied the markets of Europe with the manufactures of copper and brass. Italy took from Germany in 1912 33,829 quintals of miscellaneous manufactures of copper, bronze, and brass, 56.4 per cent of all the peninsular kingdom imported. Every manufactory in Europe not demoralized by the war is spurred to its utmost capacity to meet the demand occasioned by the isolation of Germany. Congress was forced to impose new taxes in order to meet the deficit due to the decrease in our imports, largely from Germany. Our factories proceeded at once to put themselves in readiness to absorb their share of the business that has heretofore gone to the countries engaged in the present deplorable conflict. The keen business men who handle our export trade in copper became quickly alive to the fact that Italy was an excellent market for their product, quite apart from the necessities of Germany and notwithstanding it could not be reexported without violating the Italian law.

Aside from such as is contained in sulphate of copper, the annual consumption of copper in Italy amounts to 42,900 metric tons; 20,350 tons more are utilized in that compound, the principal ingredient of Bordeaux Mixture, used in spraying the vines to destroy the phylloxera which infests them. That country takes normally about 3,500,000 pounds per month from us. England had been receiving an average of about 11,000,000 per month. Both of these countries took 22,000,000 from us in October, but Italy got practically nothing in August, owing to the demoralization of commerce to the Mediterranean—302,578 pounds to be exact—and only about the usual amount in September, while England took 24,000,000 in August and 16,900,000 in September. During the three months of August, September, and October England took at least 25,000,000 pounds of copper in excess of her normal demands, to which must be added 9,609,600 taken from ships bound for the Netherlands and 4,883,200 pounds more diverted from the stock at Rotterdam, in all approximately 40,000,000 pounds. Italy took less than 19,000,000; much less, indeed. The figures last above given show the amounts which left this country, 6,500,000 pounds of which never passed Gibraltar. It is further to be observed that France got but 2,000,000 pounds in August, as against 17,500,000 in the same month of the preceding year; 2,700,000 in Sep-

tember, 1914, as against 13,400,000 for the same month in 1913; and 5,800,000 in October last as against 10,900,000 in the corresponding month of 1913. France fell short of her normal importation during the three months last mentioned, as compared with the same period of 1913, 37,238,120 pounds. Either the industries using unwrought copper were paralyzed by the war or the peril of entering her ports was so great as to amount to an embargo. The Italian merchants might reasonably expect to drive a thriving business with French customers in view of the impossibility of supplying their needs through dealers in their own country. Switzerland had no way of providing herself except through the Italian markets. Normally her supply came in large part from Germany. Neither Belgium, Germany, nor Austria got any copper from us during the three months in question. The entire wine country was obliged to look to Italy. It will be borne in mind that until the 21st day of September copper was not even conditional contraband and was not declared absolute contraband until the 29th day of October. Intervening those dates copper might have been, without offense, introduced at a German port unless it was intended for Government use in connection with the war, and so might be sent to that country through an Italian gateway or made the subject of traffic in Italian cities for use in the arts of peace in Germany. Indeed, under the doctrine announced in the cases heretofore reviewed, our dealers are at perfect liberty to sell in good faith to Italian merchants even munitions of war, though they may know that the consignees intend to sell them in turn to the German Government. If the sale is bona fide to a neutral, it is of no consequence that he intends to dispose of it to a belligerent. Prior to the present war, at least since international law had a being, this principle has never been questioned by any juriconsult.

There was, accordingly, abundant reason to regard the Italian market as a most inviting one, even though the chance of selling to German or Austrian buyers for any purpose should not be considered. As the price had fallen to the level of the cost of production—11 cents—the Italian dealer had nothing to lose and everything to gain in buying freely. With the disaster that had come upon them by the destruction of the enormous German and Dutch markets, our operators were eager to sell even at the low price offered to avert, as far as possible, the distress that would come to the families of the miners from a complete shut down. It may even be that each in his eagerness to meet the demands of what seemed an inviting market did not calculate accurately on what his rivals similarly actuated might send. It may be that the shipments were greater than the legitimate market would immediately absorb. Such a condition is not infrequent in trade. But it was impossible for a buyer to lose, though he might not realize as speedily as he expected to.

The bare fact that 22,000,000 pounds of copper were consigned to Italy in the month of October might justify Great Britain in signifying to that country that it would regard it as a friendly act if the exportation of copper to any belligerent nation should be prohibited. It afforded no justification for the indiscriminate seizure of American ships carrying copper to Italian ports.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. HITCHCOCK. I understood the Senator to say that Italy, since the outbreak of the war, had prohibited the exportation of contraband of war to Germany.

Mr. WALSH. She has.

Mr. HITCHCOCK. And that she had included copper in the list.

Mr. WALSH. The Senator is correctly informed.

Mr. HITCHCOCK. Does the Senator state that that was done as an act of amity or friendship or at the request of Great Britain?

Mr. WALSH. Of course I have no information about that. I have suggested, a little farther along in my address, that practically all of these neutral nations took that course. It is perfectly obvious that it is to the disadvantage of their own trade and their own business and to the detriment of their own people; but I assume that they reached the conclusion that importations into their countries would be facilitated, perhaps, if they took that precaution.

Mr. HITCHCOCK. Then I want to inquire of the Senator whether a parallel would not exist in the United States, and if England at the present time is in any position to insist that the United States should not prohibit the transportation of contraband of war, arms, and ammunition to Great Britain and France?

Mr. WALSH. No country is under any obligation whatever, under the rules of international law, to take any steps, legal or otherwise, to prevent the exportation from its borders of any material, even contraband, conditional or absolute.

Mr. HITCHCOCK. I mention this because since I introduced a bill to prohibit the exportation of arms and ammunition to any country now at war with any other country with which the United States is at peace, the statement has been made in Great Britain, and cabled to the United States, that such an act by the United States at this time would be construed as an unfriendly act toward Great Britain, and would be construed as a practical breach of neutrality. Now, if such an act by the United States at this time would be a breach of neutrality, would not the same act committed by Italy against Germany have been a breach of neutrality?

Mr. WALSH. I should say, then, that the kingdoms of Italy, Holland, Denmark, Sweden, and Norway had all been guilty of a breach of neutrality, because they have all passed decrees or issued proclamations prohibiting the exportation of any contraband; not only such contraband as is referred to in the bill of the distinguished Senator from Nebraska, but contraband of any character whatever.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. May I ask the Senator whether the inhibition which he says Italy has placed upon exportations of copper to Germany applies as well to the dual monarchy, Austria-Hungary?

Mr. WALSH. The prohibition applies to all the belligerent countries.

Mr. O'GORMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH. Gladly.

Mr. O'GORMAN. In referring to the decrees or orders promulgated by Italy, Norway, Denmark, and several other European countries as to the export or import, perhaps, of contraband, did I understand the Senator to say that they permit or that they prohibit?

Mr. WALSH. They prohibit the exportation.

Considering the plight of her people, Italy did, by royal decree, issued immediately upon the breaking out of the war, prohibit the exportation of copper. This decree applied to a great many articles, but permitted the free transit through that country of imports destined to places beyond its borders. With a view to removing any just ground for apprehension and to relieve the embarrassment under which her consumers were laboring in consequence of the seizures which had taken place, a further decree was issued on November 13, providing in substance that "all goods the exportation of which from Italy is forbidden can not be reshipped abroad or through transshipment once they have arrived at an Italian port or the bill of lading indicates Italy as their destination, declared at the origin, or if it fails to contain any specific destination."

Similar action has been taken by the Governments of Switzerland, the Netherlands, Denmark, and Norway, and recently by Sweden. The embargo in the case of Italy extends even to cereals, and the rigor with which it is being enforced is evidenced by a dispatch appearing in our press of Monday, the 28th, telling of the arrest of a gentleman of some prominence charged with conspiring to export grain to Germany.

The inconclusive, even shadowy, character of the fact that our exports of copper to Italy have increased, the force of the considerations advanced leading to the conclusion that a largely increased demand for copper in that country is to be expected, received some elucidation, if any were necessary, in the course of the debate in Parliament on November 17 last. Some member, under the influence of hysteria, perhaps not uncommon in England, induced by some incidents of the war, called attention to the very great increase in exports of coal from that country to neutral countries, neighbors of Germany, as exhibited by the following table:

Coal.	September, 1913.	September, 1914.
Great Britain to Holland.....	154,000	276,000
Great Britain to Denmark.....	275,794	405,842
Great Britain to Sweden.....	394,314	633,546
Great Britain to Norway.....	174,000	233,754

He advanced the idea that British coal was getting into Germany through these countries, and called attention to the fact

that the country represented by the premier was a heavy producer of that commodity. At this distance the debate reads as if the remarks of the right honorable gentleman carried a mild imputation that the prime minister was blind, but, of course, innocently blind, to the fact that his immediate constituents were profiting by a trade through which the enemy of his country was supplying itself with contraband.

It is interesting to note the response made by Mr. Asquith, the prime minister, on behalf of the Government. Setting out with the remark that some of the matters mentioned were "of a very delicate kind," he expressed the opinion that the increase in the exports of coal from Great Britain to Scandinavian countries was not so much due to, and, indeed, was "not due at all," to their "being ultimately destined to Germany as to the fact that these countries were deprived for the time being of the supplies they have been accustomed to receive from the enemy country." In this relation he adverted to the fact that the county of Fife, a part of which he represented, was "a great coal-exporting county," sending out coal "to various parts of the world." One of their main competitors had, he said, been Westphalian coal, and as the export of this had practically ceased it was "not unnatural that Scandinavian countries should resort to us in Fife and other parts of the United Kingdom to make good the supply" which had been cut off. In that way there had, he declared, been a large increase in our export to them, but he doubted very much whether "any substantial part" had been "reexported to Germany."

His people may freely ship coal to Holland, Denmark, Norway, and Sweden, though it has been on the list of conditional contraband from the beginning of the war. Copper leaving our shores, even before the proclamation declaring it conditional contraband was issued, is seized and is still detained, after the lapse of 90 days without any effort to obtain an adjudication against it. This unreasonable delay leads naturally to the conclusion that the proceedings are not pressed because the authorities are convinced that no English court will undertake to assert and justify, in the face of the world, a rule of international law upon which a judgment of confiscation can be upheld.

Sir William Scott stands in the front rank among the men whose talents have given brilliancy and glory to the bench in England. In respect to experience in administering and knowledge of the law of prize he, perhaps, surpassed all others. In the case of the *Madonna del Burso* (4 Rob., 169), a ship that was seized by a revenue cutter in the month of November, 1797, rendering judgment, he said:

It does not appear that any proceedings were commenced against this ship or the valuable cargo which she contained until the latter end of February, 1798; that is, for the space of above three months. However justifiable the seizure may have been, the first obligation which the seizer has to discharge is that of accounting, why he did not institute proceedings against this vessel and cargo immediately, and unless he can exculpate himself with respect to delay in this matter he is guilty of no inconsiderable breach of his duty. It would be highly injurious to the commerce of other countries and disgraceful to the jurisprudence of our own if any persons, commissioned or noncommissioned, could lay their hands upon valuable foreign ships and cargoes in our harbors, and keep their hands upon them, without bringing such an act to judicial notice in any manner for the space of three or four months. The complaints which such a conduct tolerated by this country would provoke against it from foreign countries are not to be described; and it is not very easy to suggest how the real honor of the country, connected as it is with its justice, could be defended against such complaints.

And then he added that "a belligerent nation which is in the exercise of the rights of war is bound to find tribunals for the regulation of them" in which neutrals have the "right to speedy and unobstructed justice." It was advanced that—the mass of business under which this court was then laboring so choked up the avenues to justice that the cause, if entertained by the court, could not have been heard for a considerable time.

But this excuse he dismissed with the remark that—

It is no secret that this court has never thought it a breach of that equal justice which it owes to all suitors to suffer a cause to be interposed that from its magnitude of interests or other circumstance of just weight had a peculiar claim to precedence.

The mere denial of the plain right to a speedy adjudication by a prize court in the case of the seizures which are the subject of these remarks, expansive and annoying as it is, is not so important here as is the significance it carries touching the attitude and purposes of the English Government with reference to further shipments of like commodities.

Some of the copper seized was purchased by the authorities of the belligerent power making the capture at the current price in the English market, and with reference to that detained the hope is held out that if it is finally released damages will be paid after the war is over. These features are only feebly in mitigation of the wrong. The English market was presumably supplied already with what it could absorb, and the arrival of considerable quantities understood to be likely to go upon the market upon decrees of condemnation or to be appropriated by the



Government for its needs could not fail to depress the price. No damages awarded after the war can compensate for an unlawful seizure, and particularly in the case of a series of such seizures. Drafts are ordinarily drawn against the shipments. These, being returned, must be met, to the financial embarrassment of the consignors. But, worse, shipowners refuse to take copper for transport, lest their vessels be overhauled, deflected from their usual route, and detained indefinitely in some English port.

I am informed that the Norwegian-American Line, plying between the ports of Norway and the United States, the stock of which is largely owned in this country, refuses to take any merchandise on the British lists of contraband, preferring to lose the freight rather than run the risk of being ordered into an English harbor.

Underwriters decline to take copper as a risk and war insurance is unobtainable. The act passed at the last session of Congress is unavailable to shippers of copper, the bureau insisting, and perhaps wisely, upon a clause in the policy which practically exonerates the Government should the shipment be seized, even when actually destined to a neutral country and for consumption therein. At least the liability under the policy tendered is involved in so much obscurity because of the ambiguity of the policy that shippers prefer to take the risk themselves. The trade with particular dealers and consumers in the neutral countries which our merchants have severally built up is gone unless their demands can be supplied as they arise.

Those affected by the seizures are entitled, first, to have their property released forthwith or to have an immediate adjudication by the prize court; second, a judgment therein upon the recognized principles of international law; third, a cessation of indiscriminate seizures upon bare suspicion of a proscribed destination.

Harried as it has been, our commerce with the neutral nations of Europe has not developed as it might be expected that it would in consequence of the war. Some recent shipments of copper to Sweden were detained, and upon inquiry the explanation was made that Sweden had not yet laid an embargo upon the exportation of that metal. A new principle is thus introduced into the law of nations, namely, that a belligerent may confiscate goods declared by it as contraband when shipped by a neutral to a neutral that has not prohibited its exportation. But even such a precaution on the part of Italy carried no assurance of exemption and was disregarded.

Sweden was persuaded to the same course, and with additional precautions—to be referred to—shipments went forward. Now news comes that on December 28—Monday last—two ships, the *New Sweden* and the *Socland*, bound for ports of that country, were turned in to English ports and relieved of their copper freight, the former carrying 730 tons and the latter 600, though in each case a certificate went with the shipment from the Swedish minister at Washington reciting that the copper was intended for consumption in Sweden.

Searching for some ground upon which to assign a German destination for shipments ostensibly going to Italian ports, it was deemed sufficient proof that the bills of lading ran to the order of the shipper. The advantage of issuing bills of lading in that form, even when the consignment has been sold, is obvious. The consignee may not be in a position to take the goods on arrival and some other disposition may be made of them if the bill is to the order of the consignor. The practice is an established one in many lines. It is general in the copper trade. As a rule, that metal is, and for many years has been, sold for the producers in the great marts of the world by selling agencies, who dispose of it on commission. They customarily ship to their own order, even when the consignment has already been sold. Finding the pursuit of this time-honored custom afforded a pretext for a seizure, it was discontinued, but the captures went on just the same.

The *Ascot*, from New York to Genoa, sailed October 10, carrying 300 tons of copper consigned to order, but intended for delivery to Brown, Borari & Co., Baden, Switzerland. It was held at Gibraltar.

The *Regina d'Italia*, New York to Genoa, sailed October 15, carrying 200 tons of copper consigned to order, but intended for delivery to U. Vedorelli, Milan, Italy. It was held at Gibraltar.

The *Palermo*, Boston to Genoa, sailed October 20 with 200 tons of copper consigned to order, but intended for Schweitzer Metallwerke, Thonne, Switzerland. It was held at Gibraltar.

The consignors learning that complaint was made because the bills of lading ran "to order" felt they might have freedom by changing it. Accordingly they sent out by the *Sif*, New York to Gothenberg, October 30, 400 tons of copper, sold and consigned

to B. Ursells, Efterfoelger (successors), Stockholm. It was held at Glasgow.

The *Sigrun*, New York to Malmoe, sailed November 5 with 400 tons of copper, sold and consigned to the same party. It was turned into Newport, England, where it is held.

The *Tellus*, New York to Genoa, sailed November 17, carrying 200 tons of copper, sold and consigned to U. Vedorelli, Milan. It was seized and is held at Gibraltar.

It would be exhibiting the virtue of candor, at least, if the Government of Great Britain should declare that it is her purpose to starve Germany, so far as copper is concerned, however the neutral nations may fare or the laws of nations may be wrenched, or even defied, in the process.

It may be a matter of supreme unconcern to the military authorities of that country that little children cry for bread in Butte, Mont., or in Bisbee, Ariz., that she accomplish that end; but if she values the good opinion of the people of the United States who, as a whole, are not at all unfriendly to her cause, but who are not equally indifferent to the want her policy imposes here, she will hearken to the kindly admonition of the President and restrain the activities of her navy, so far as our commerce is concerned, within lines that her own great law givers, at least, have laid down.

In the course of negotiations resulting from similar aggressions toward the close of the last century, Jefferson, then Secretary of State, in a letter to Mr. Pinckney, our representative at the English court, said that Great Britain might "feel the desire of starving an enemy nation, but she can have no right of doing it at our loss nor of making us the instrument of it."

Some degree of circumspection might be expected in the exercise of her undoubted rights, some delicacy in asserting them in view of the fact that the course which has been pursued is obviously to the advantage of her fabricators of copper as against those of competing neutral nations. If shipments of copper to Italy and the Scandinavian countries can be shut off or seriously embarrassed, the English market, the only free, untrammelled one to which our surplus can go in any quantity, is continually glutted. The price of raw copper is continually depressed there, while it is unduly expensive in the rival countries. Her manufacturers enjoy a distinct advantage in the purchase of their raw material. Then, the supply on the Continent being precarious, and the possibility of workers in copper and its compounds being able to fill orders promptly, being likewise involved in doubt, the English factories capture the market. The copper trade in England is in a most thriving condition. The assertion is made upon the authority of a circular-printed market report, issued under date of Friday, November 27, 1914, by Henry R. Merton & Co. (Ltd.), of London, dealers in metals, and reputed to be advisers to the Government in respect to purchases of them, from which circular the following is quoted:

So far as refined copper is concerned, the business done has been good and the tone strong. Manufacturers have been ready buyers, so that dealers have been able to dispose of satisfactory quantities, whilst the principal producers have been much stiffer in their attitude. The present consumption of copper in this country, as well as in France, is evidently on quite a large scale, and, in addition, a good demand is reported for sulphate at higher prices, makers being now well sold ahead.

This roseate view is fully confirmed by the statistics. For some reason the market for sulphate, as reported by Merton, seems to be exceptionally good. While but 374 tons of that commodity were exported from Great Britain in August, and 300 tons in September, 407 tons went out in October and 739 tons in November. Of manufactures of copper, Great Britain exported in August 988 tons, and but 591 in September, but in October the output of the preceding month was nearly doubled, 1,160 tons leaving her shores, and in November 1,191 tons.

Another story comes from Italy: The five largest consumers of copper in that kingdom—Corradini, Naples; Schiapparelli, Turin; Unione, Genoa; Trafilurie and the Metallurgica, Leghorn—have all been embarrassed in their operations, some of them running intermittently, because copper bought by them was impounded at Gibraltar. Unione is the largest producer of copper sulphate in Italy, using annually from 6,000 to 7,000 tons of copper.

The steamer *Italia*, referred to in the list heretofore given, carried, among other items, 100 tons of Arizona pig copper—bessemerized, a quality suited to the manufacture of sulphate of copper—consigned by the United Metals Selling Co. for the account of Schiapparelli, Turin. It carried also 336,197 pounds consigned by the American Smelting & Refining Co. to their order and sold to the same purchaser. The first-mentioned lot, with two others of like amount, sold to two other Italian manufacturers, was released and forwarded. The other is still held at Gibraltar. The fact may not be without significance that

either it chanced that the United Metals Selling Co. sold, or it took the precaution to sell, through English merchants.

Notwithstanding the embargoes generally in force, ships will not take cargoes from American merchants without a certificate from the ambassador or minister of the country to which they are to go, upon cable advice from his home government, reciting that the copper is for neutral consumption. These annoying formalities seem to be unessential in the case of shipments ordered by English houses to be forwarded to neutral ports.

What is needed now is the release of every detained shipment against which a prima facie case of guilt can not be made out, carrying with it an assurance to the trade that so long as it is honest it is safe. The American people will be very patient with respect to the case or cases, so much talked of and written about, of copper bars concealed in cotton bales. The 9,000 tons of copper now at Gibraltar were not concealed in cotton bales. The consignments all showed on the ship's papers, in the regular and usual way, as did one unloaded at Marseille, likewise much advertised as being underneath a cargo of oats. Copper is convenient ballast, and goes regularly to the place where it will best subserve that purpose.

There will be very general satisfaction whenever any dishonest shipper, who resorts to the arts of the smuggler to introduce his wares into the forbidden territory, gets caught in the act. His activities naturally cast suspicion upon honest trade and subject it to more rigid and annoying search than would otherwise perhaps be made. But the practices of those who endeavor to conceal the true nature of their goods that they may surreptitiously find their way into a belligerent country have no bearing upon the question of the detention of wares such as those which are the subject of these remarks, with respect to which there is no claim that there was any effort at concealment. In the case of nearly all the recent seizures the departure of the cargo was made public through the official formalities of which mention has been made. The consignments were forwarded by firms of high standing in this country, as well as abroad, as they were in the case of every seizure listed, and to houses of equally high character in the countries to which they were respectively bound.

So our people will wait with patience the determination of the question as to whether copper can be made by the *ipse dixit* of any single nation absolute contraband. That question will arise in some case in which the proof establishes that the destination shown by the manifest and bills of lading was simulated, and that in fact it was Germany or Austria, but it does not appear that the prize was for warlike use. The claim that she may make it such is put forth in good faith by Great Britain, and we must await the slow process of law and diplomatic negotiation to try it out.

And so in every case in which a reasonable probability of a proscribed destination appears or a "vehement suspicion" is aroused, though Sir William Scott considered even that insufficient to justify confiscation, there will be no complaint on this side of the water and no commiseration for the shipper who sought to enrich himself by contraband traffic. So far as the determination of the case depends upon disputed questions of fact, his cause will be a private lawsuit in which the public have no particular concern. But it will be the duty of our Government, as I conceive it will be recognized as a duty by every Government among the family of nations outside of Great Britain, when the questions presented by these seizures are being solved, to bend every effort to maintain the integrity of the law governing neutral trade as it has been developed through three centuries of struggle for freedom. A further extension of the list of absolute contraband is announced in a proclamation just issued, as follows:

Ingredients of explosives, including nitric acid, glycerin, acetons, calcium acetate, and all other metallic acetates; sulphur, potassium nitrate, fractions of distillation products of coal tar between benzol and cresol, inclusive; aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, calcium nitrate, mercury.

Resinous products. Camphor and turpentine (oil and spirit). Ferroalloys, including ferrotungsten, ferromolybdenum, ferromanganese, ferrovandium, ferrochrome.

Tungsten, molybdenum, vanadium, selenium, cobalt, manganese, wolframite, scheelite, molybdenite, manganese ore, zinc ore, lead ore, bauxite.

Alumins and salts of aluminum.

Antimony, together with sulphides and oxides of antimony.

Copper, part wrought, and copper wire.

Submarine sound-signaling apparatus.

Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in manufacture or repair of tires.

Rubber, including raw waste and reclaimed rubber, and goods made wholly of rubber.

It is scarcely to be doubted that these lists are thus swelled in order to accomplish the economic ruin of Germany rather

than because of the fact that the commodities included in them will be used, if imported, in the prosecution of the war.

Neutral rights will be reduced to a very shadow of their former selves if there shall eventually prevail the following rules proclaimed by the order in council of the 29th day of October, 1914, namely:

(i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(ii) The destination referred to in article 33 of the said declaration shall (in addition to the presumptions laid down in article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.

(iii) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order" or if the ship's papers do not show who is the consignee of the goods or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

And to this I beg the earnest attention of this body:

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette and shall operate until the same is withdrawn. So long as such direction is in force a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

The bare fact that goods bound for a neutral port were consigned "to order" makes them subject to seizure, and unless the owner shall come forward and prove to a hostile court that their destination was innocent, they are subject to confiscation.

In the Nassau cases the fact that the bills of lading were made to "order or assigns" was adverted to with a multitude of other facts, all going to establish the simulated character of the voyage. Perhaps no one ever before thought that such a circumstance ought alone to shift the burden of proof. But it will be noted that the same paragraph makes conditional contraband liable to seizure if the consignee is in territory belonging to or occupied by the enemy. This rule obliterates all distinction between absolute and conditional contraband, save that in the case of the latter the owner may exculpate himself by showing a purpose to devote the goods to an innocent use. In practice it is as impossible, under such a rule, to carry on a traffic with a belligerent in conditional contraband as it is in absolute contraband, and it was intended that it should be. But under subdivision 2, above quoted, our commerce in foodstuffs, clothing, fabrics for clothing, including cottons of all kinds, hides, materials for telephones and telegraphs, with any neutral nation, is at the mercy and is now carried on with the gracious permission of any one of His Majesty's principal secretaries of state. Let me read it again:

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette, and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

Senators will understand that cotton as well as foodstuffs have been declared conditional contraband. All meats, all cereals are within that designation. Now, if one of the secretaries of state of the Government of Great Britain should declare that Germany is drawing supplies for its army from Italy every ship leaving our ports for an Italian port with any of those commodities—meat, grain, cotton—is subject to seizure and her cargo to confiscation.

Unless this declaration is a mere fulmination, intended to be held *in terrorem* over the nations of the earth who have no concern in the present titanic conflict except of infinite compassion for the afflicted peoples involved, it is time they should be awake to its supreme importance. A learned Italian writer, in a contribution to the press, appearing in our journals of Monday, December 28, 1914, breathing a most friendly spirit toward Britain, declared: "Strictly speaking, no foreign vessel can leave a port without England's consent." He asserts that though British naval supremacy has for more than a century ruled the world, "the weight of this rule has not been felt, as England used her power with moderation." On the 12th of September last the good ship *Nieuw Amsterdam*, of the Holland-American Line, from Rotterdam to New York, was directed by an auxiliary of the English fleet in the Channel to dismantle her wireless. She acquiescently complied. The officers of the Norwegian-American Line received a polite note that the open ocean



between Scotland and Iceland was dangerous, on account of mines, and that if they would only send their ships through the Channel (where they could be conveniently searched) the navy would send a pilot that like dangers there might be avoided. They understood and complied, though they took the risk of German mines in those waters, of the location of which, presumably, the English authorities were not well advised.

The neutral nations of the Continent have concluded that, on the whole, it would facilitate the entrance of goods into their ports if they laid an embargo on the exportation of contraband, obviously lest it should get to Germany.

I have not dwelt on the just causes of complaint given to our shippers of foodstuffs and cotton to neutral ports. I know nothing of them in detail, but I do know that there never was a day when shipments of cotton from our shores to any port should have been interrupted, save for the want of vessels in which to carry it, and there is no achievement in any arrangement by which they have been finally permitted to move.

No blockade has ever been declared, and yet it is notorious that such cotton as goes to Germany goes with the permission of England.

The Declaration of London expressly proclaimed what is the common sense of mankind, that cotton should not be declared contraband of war by any nation.

The epigrammatic observation of the Italian author referred to may be mere rhetoric. The British Government might well avoid a course calculated to make it appear as an offensive fact. There is no sentiment of hostility or animosity in the United States toward Great Britain, save in sporadic cases of no consequence, in the sum total of the national disposition. God grant that our relations may always remain friendly. The feeling engendered by the aggressions complained of is akin to the surprise and regret experienced by one who has been cruelly wronged by a friend and who remains confident that a personal explanation and candid conference will wipe out all differences and bring a speedy reparation. It is in this spirit the American people await the result of the well-timed note of the President to our ambassador to St. James.

#### REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER (Mr. SWANSON). The pending question is on the amendment of the Senator from New Jersey [Mr. MARTINE], on which the yeas and nays have been ordered. The amendment will be stated for the information of the Senate.

The SECRETARY. On page 8, strike out lines 10, 11, and 12 and the word "Provided," in line 13, as follows:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*.

Mr. NORRIS. Mr. President, I am one who believes in the restriction of immigration. I know it is one of the principal objects of this bill to restrict immigration, and yet I regret very much that the method of restriction adopted in the bill seems to be the only one to which we will be permitted to give serious consideration. It seems to me that those who are behind the bill have adopted a method of restriction that is to a great extent obnoxious; at least it seems that way to me.

I dislike very much to restrict immigration by prohibiting immigrants otherwise qualified from entering our ports on the ground of the test provided in the bill or any similar test. The Immigration Commission that for several years gave a great deal of attention and study to this question—and I presume have given us more detailed information of the subject than was ever gathered together before in the history of the world—have suggested various methods by which immigration could be restricted.

I am not going to enter, Mr. President, upon any argument or discussion as to why I am in favor of restricting immigration. That is a question upon which a great deal might be said both ways. For the present, in the few remarks that I shall make, I content myself with the simple statement that, agreeing, as I believe I do, with a very vast majority of the American people and of the Representatives both in this body and in the House, I believe we ought, for our own benefit and the good of posterity to restrict immigration. That that has been the idea of the commission and of Congress I believe there can be no doubt. But the illiteracy test has been adopted, and while it is conceded by those who advocate it that it will often result in great injustice and that it is arbitrary in its nature, yet the results accomplished will be the same as though other methods were adopted. I presume it is true that the results obtained will restrict immigration. That the application of this test will restrict immigration and that it may be the means

of keeping out immigrants whom it would be desirable to keep out by any other test I have no doubt. Yet it is grating on my conscience to prevent an immigrant from landing on our shores simply because he can neither read nor write.

The commission, as I said, suggested several methods by which immigration could be restricted. I wish to read them. Beginning on page 47 of volume 1 of the report of the commission, they are as follows:

1. The exclusion of those unable to read or write in some language.
2. The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.
3. The exclusion of unskilled laborers unaccompanied by wives or families.
4. The limitation of the number of immigrants arriving annually at any port.
5. The material increase in the amount of money required to be in the possession of the immigrant at the port of arrival.
6. The material increase of the head tax.
7. The levy of the head tax so as to make a marked discrimination in favor of men with families.

Those who have drafted this bill have selected the first method designated by the commission. In my judgment, they ought to have selected the second method, to wit:

The limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.

While I am not an expert, and have not given nearly as much attention to the subject as others, particularly those who were members of the commission, in conversation with members of the commission who have made this very exhaustive study I am informed that the second method suggested would result, first, in limiting immigration to the same extent as it will be limited by the first suggestion and the one adopted in the bill; and, second, that it would keep out the same class of people, immigrants coming from the same sources, as will be kept out by the illiteracy test.

We have several exceptions in the bill, but there is one in particular of which I want to speak. It is that those who are escaping or attempting to escape from religious persecution, if otherwise qualified under the bill, shall not be excluded on account of the illiteracy test. I voted for each of the several amendments that have been voted on to-day to include in that exception other designated classes of people. To my mind there can be no logical reason given why we should permit a man to land because he is escaping or seeking to escape from religious persecution and yet exclude the man or the woman who is trying to escape from political persecution. It seems to me that to be logical we ought to exclude them both or include them both. For my part I should like to permit both those classes to land.

As I said, I voted for that amendment and the others similar to it that gave the measure a larger scope; but inasmuch as I favor the limitation of immigration and believe in limiting it, and having, as I believe, voted for and resorted to all the methods permitted under parliamentary procedure to bring about the admission of such classes as I believe ought to be exempted from the test and having failed, I can not bring myself to the conclusion that I ought to support the pending amendment offered by the Senator from New Jersey, because that would, in effect, eliminate, as I understand it, the real object of the bill, which is to restrict immigration.

I felt, Mr. President, that I ought to make this much of an explanation, inasmuch as I voted for the other amendments and intend to vote against this one. I shall vote against taking the test out of the bill, because it seems to be the only thing in the bill that will restrict immigration. I believe it will have the effect of keeping out undesirable people, although I very much dislike to resort to that method to keep them out, and I would not do it if there were any parliamentary or legislative escape from such a course.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from New Jersey [Mr. MARTINE], and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I announce my general pair as before and its transfer to the Senator from Tennessee [Mr. SHIELDS]. I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Kansas [Mr. THOMPSON] and vote. I vote "nay."

Mr. REED (after having voted in the affirmative). I voted without announcing the transfer of my pair. I make the same announcement that I made on previous votes.

I desire to state that my colleague [Mr. STONE] is necessarily absent from the city, being detained by illness in his family. This announcement may stand for the day.

Mr. OVERMAN. I was requested to announce that the Senator from Virginia [Mr. MARTIN] is absent on account of sickness in his family. He is paired with the senior Senator from Illinois [Mr. SHERMAN]. If the Senator from Virginia were present, he would vote "nay" on this amendment.

Mr. CRAWFORD. I will transfer my general pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN], who is detained from the city on important business. If he were present, he would vote "yea."

I also desire to announce my own pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote.

Mr. DILLINGHAM. I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not.

Mr. DILLINGHAM. Having a pair with that Senator I transfer it to the Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. WALSH. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent from the Senate. He is paired with the Senator from Rhode Island [Mr. COLT].

Mr. NORRIS. I was requested to announce that the senior Senator from Kansas [Mr. BRISTOW], who is unavoidably absent, would vote "nay" if present. He is paired.

Mr. BORAH. I desire to state that if my colleague [Mr. BRADY] were present he would vote "nay."

The result was announced—yeas 12, nays 47, as follows:

## YEAS—12.

Brandegee	Lewis	McLean	Ransdell
Clarke, Ark.	Lippitt	Martine, N. J.	Reed
La Follette	McCumber	O'Gorman	Walsh

## NAYS—47.

Ashurst	Gronna	Oliver	Smith, Ga.
Borah	Hardwick	Overman	Smith, S. C.
Bryan	Hughes	Page	Smoot
Burton	James	Perkins	Sterling
Chamberlain	Johnson	Poindexter	Sutherland
Clapp	Jones	Pomerene	Swanson
Crawford	Kern	Robinson	Thomas
Cummins	Lane	Root	Thornton
Dillingham	Lodge	Shafroth	Townsend
Fletcher	Myers	Sheppard	White
Gallinger	Nelson	Simmons	Williams
Gore	Norris	Smith, Ariz.	

## NOT VOTING—37.

Bankhead	du Pont	Owen	Stone
Brady	Fall	Penrose	Thompson
Bristow	Goff	Pittman	Tillman
Burleigh	Hitchcock	Saulsbury	Vardaman
Camden	Hollis	Sherman	Warren
Catron	Kenyon	Shields	Weeks
Chilton	Lea, Tenn.	Shively	Works
Clark, Wyo.	Lee, Md.	Smith, Md.	
Colt	Martin, Va.	Smith, Mich.	
Culberson	Newlands	Stephenson	

So the amendment of Mr. MARTINE of New Jersey was rejected.

Mr. REED. I move to amend the bill by adding, after line 9, on page 8, the following:

All aliens not of the Caucasian race.

If that language is adopted, the bill will read:

That after four months from the approval of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens not of the Caucasian race.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Missouri.

Mr. REED. Mr. President, there has been a great deal said in the Senate about the purpose of this bill. It has been frankly avowed by its sponsors that it is intended as an exclusion bill. They have disavowed any purpose, however, to exclude the peoples of northern Europe, who they declare to be qualified by every test, including the literacy test, for citizenship in the Republic. They undertake to justify the literacy test by claiming that the application of the literacy test will largely exclude certain undesirable races who come from Asia, and a great deal of the sentiment in favor of this bill is engendered by the fact that there have come to our shores in recent years people who belong to races that we all recognize are of an entirely different civilization from ours.

There has been a considerable immigration into the United States very recently of black-skinned people; there has been some considerable immigration of people belonging to the Malaysian races. Those people will never amalgamate them-

selves into the body of the American population, in my opinion. If this amendment is accepted, I intend to follow it by other amendments, each to be passed upon, of course, upon its own particular merits, directly excluding the inhabitants of all those countries who by civilization and by nature are alien to our civilization and to our system of government. And that, Mr. President, in my judgment, is the way this bill of exclusion ought to be drawn.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. ROBINSON. Has the Senator from Missouri considered the effect of his amendment upon treaties heretofore ratified by the Senate with certain foreign nations? Has he taken into consideration, further, the fact whether this would constitute an abrogation of some of the treaties now existing?

Mr. REED. Yes, Mr. President, I have taken into consideration the fact that we have certain treaties that would necessarily be amended if this provision were written into the bill; but if we have made certain bad treaties we must take the first step if they are ever to be abrogated. If we are now to reverse all of the principles which have been a part of our public policy for a hundred years and in consonance with which those treaties were made; if, instead of opening the doors of this country and making this an asylum for the oppressed of other lands, we are to close the doors and adopt a policy of exclusion, then we ought to adopt that policy bravely and courageously, and we ought to state it to the world, taking the consequences, and modifying our treaties, if necessary, to conform to the new policy.

Mr. HARDWICK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield to the Senator from Georgia.

Mr. HARDWICK. Suppose those treaties provide that certain notice shall be given before they are either abrogated or amended, would it not be our duty to give that notice before we undertook to abrogate them in this offhand manner?

Mr. REED. Well, Mr. President, I think there are none of them that can not be changed within the four months' period limited in this bill.

Mr. HARDWICK. If the Senator from Missouri will pardon me, the point I want to get at is, has the Senator looked into that question to see for what notice those treaties themselves provide?

Mr. REED. Not into all of them. We can cross that bridge when we come to it. If we find on an examination of the treaties that we must give a little longer notice, we can provide it before we are through the discussion of this bill.

Let no one undertake to avoid the responsibility of a vote upon this principle, because there may be six or seven months' more notice necessary to be given than is provided for by the provision of the bill, which is four months—for that much time is allowed—because, if that is the reason, we can very readily extend the period when we come to that clause in the bill. I am very anxious to know whether the sponsors for this bill really mean to go up and face the question of exclusion. I am willing to go with them in the best of faith, for I have believed for many years that there were certain tribes on this earth that ought not to be permitted to come to this country at all. So, Mr. President, I offer this amendment, and upon it I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Missouri, upon which he asks for the yeas and nays. Is the call for the yeas and nays sustained?

Mr. SMITH of Georgia. I ask that the Secretary again state the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 8, after line 9, it is proposed to insert the words:

All aliens not of the Caucasian race.

Mr. POINDEXTER. Mr. President, in connection with the amendment offered by the Senator from Missouri [Mr. REED] I present, and ask leave to have listed as a petition, a letter from a citizen of the State of Washington, including certain newspaper articles, pointing out the agricultural and industrial competition of the Japanese race in the State of Washington. It is pertinent to the amendment which has just been proposed by the Senator from Missouri. While presenting this letter and the articles, which I do not ask to have printed in full—

The PRESIDENT pro tempore. Does the Senator from Washington desire to have them printed in the RECORD?



Mr. POINDEXTER. I do not. I simply present the letter as a petition, and say that I hope the amendment offered by the Senator from Missouri will be adopted.

Mr. CRAWFORD. Mr. President, it seems to me that an amendment like this, if it is really to be acted upon by the Senate with any possibility of its receiving a majority vote of this body, ought to receive more consideration before a roll call is had upon it than has been given to it here now. I may be attaching undue importance to the amendment, but, in my opinion, its gravity, should it be seriously considered and acted upon here, its possible consequences, are such that all the rest of the bill would become comparatively insignificant, and so I hope that we are not in a sort of hasty, flippancy way going to call the roll upon so important an amendment as this.

Mr. President, I do not know where the little volume came from, but a few days ago I found a book on my desk which contained a symposium of monographs written by leading representatives of the Japanese Empire. I have read all of them. I do not know when I have read in recent years a series of statements that have so profoundly impressed me as did those. Their broad intelligence, and even generous spirit, the insight that the writers of those various monographs have into these very complicated questions, not only from their standpoint and within their environment and provincialism, but also from ours, were a revelation to me, and the broad kindness, the comprehensive intelligence displayed, the spirit, and the attitude were such that it seems to me we would be meeting it in a very meager way here by a hasty vote upon such a proposal as this. I hope the matter will be seriously considered if there is any possibility of its receiving substantial support.

Mr. LODGE. Mr. President, I think before passing on this amendment it would be well to note precisely what is meant by "Caucasian." What races would the amendment exclude? There are some races in Europe, I think, that would not come under the definition of "Caucasian," and I think it is important for us before we adopt an amendment of this sweeping character to know just what class of immigrants would be excluded. Perhaps the Senator from Missouri can enlighten us.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. I should like to make a brief statement as chairman of the committee. The committee, under all of the circumstances in perfecting this bill, both in its selective and restrictive features, have gone just as far in accordance with our treaties and in accordance with our customs as they thought it was good policy to go.

I hardly think it would be pertinent at this time, if it would be pertinent at any time, to introduce an amendment of this sort, in view of the terrible conditions that exist in those countries from which a large proportion of our immigration comes, and running, as it does, in direct conflict with treaty stipulations. I do not think that the time of the Senate should be taken up with a complication such as this would give rise to. In view of the fact that the major part of the debate has been to the effect that the bill is too restrictive, it seems strange that it is now proposed by one fell swoop to let in a few on one side and exclude all the poor, suffering, and downtrodden human beings that we have heard so much about on the other.

Mr. LODGE. Mr. President, I call attention to what is said in the dictionary as illustrating what I meant. I was not myself prepared to say offhand what peoples the insertion of the word "Caucasian" would include or exclude; but I note under the heading of "Finns"—and we have a great many Finns in this country, and they are a very excellent immigration—the following definition:

A branch of the Mongolian race, inhabiting northern and eastern Europe, including the Magyars, Bulgarians, Permlans, Lapps, and Finlanders.

This amendment would exclude Magyars, who compose the best half of the population of Hungary, and would exclude the Finns and the Bulgarians. Of course it would keep out most of the Mexicans except a few of Spanish blood, including Villa. [Laughter.] That last statement I do not offer as an objection; but I do call attention to these European races, of whom we have many in this country to-day, who for the most part are excellent citizens. We surely do not want to make a sweeping provision of this sort that would exclude them under the technical definition of the dictionary.

Mr. REED. Mr. President, does the Senator mean to say that the dark-skinned races who have migrated to this country are mostly good citizens?

Mr. LODGE. No; I referred to the Finns, to the Magyars, and to the Bulgarians, of whom there are many in this country.

Mr. REED. The Senator says they make good citizens?

Mr. LODGE. That is my impression, from what I have seen of them.

Mr. REED. Now, if they make good citizens, why has this bill so carefully been drawn to exclude foreigners? If those people make good citizens, then, surely, nearly all—

Mr. LODGE. The bill does not exclude them. The Finns, I may say, incidentally, have about the lowest percentage of illiteracy of any people who come here.

Mr. REED. Mr. President, the Standard Dictionary gives this definition of "Caucasian":

A member of the white division or branch of the human species; one of the anthrochroic or melanochroic groups—

I frankly say I do not understand that. I would have to follow it up; but I do understand this language—

including nearly all Europeans, both Semitic and Aryan; an Indo-European.

It is proposed to exclude those races who do not belong to that class of human beings known as Caucasian. "Caucasian" includes substantially all of the European races, according to this author.

Mr. LODGE. Nearly all?

Mr. REED. Nearly all.

Mr. LODGE. But it excludes those of whom I have just read from the dictionary.

Mr. REED. I am not in favor of permitting to come into this country to become a part of our citizenship any kind of people except white people. The statement was made here a moment ago in some side remarks that there was an effort being made now to restrict immigration by those who have been opposed to restriction. The statement has been made repeatedly, on this floor by those who have opposed the literacy test that they did not regard that as a proper test; that they were in full accord with the thought of excluding undesirables; but that it did not follow because a man could not read and write that he was an undesirable; and the statement has been made repeatedly by some of us, at least, that we were willing absolutely to exclude undesirable races—those people who by habits of thought, by the very character of their civilization, by all the laws of heredity, by disposition, and by education, belong to a class of people who never can in the proper sense of the word become citizens of a Republic.

No one desires to say anything, particularly upon this floor, of a harsh nature regarding the Chinese; yet they were excluded as a race. They were excluded because we believed they were incapable of becoming factors of strength in the American Republic. The reason which is back of the limitation as to the Chinese applies to all of the other races that are not included within the term "Caucasian." I undertake to say that the Finn is of the Caucasian race. He is a white man.

Mr. SMITH of Georgia. Surely the Bulgarian is.

Mr. REED. The Bulgarian is. The Hungarian is, although there may be a proportion of the population of Hungary that are so nearly of the direct blood of the Huns, who overran that country many centuries ago, that it is possible that part of the population of Hungary might be excluded. This, of course, would include the Japanese.

I say, again, that if there is any difficulty about the treaties I will cooperate in a further amendment postponing the operation of this clause until a sufficient time shall have elapsed under our treaties so that they may be changed in accordance with their terms; but I say now that it is my opinion that this bill as it is now drawn violates the spirit, if not the letter, of many of our treaties.

This tenderness for treaties is not the trouble here to-day, in my judgment. It is because we prefer to do by indirection that which we have not the courage to do by direction. We propose to pass an exclusion bill, but to do it not as an exclusion bill but by means of an educational test.

Mr. ROOT. Mr. President, without going into the broader merits of this proposal, we may assume that the terms used in the amendment are not safe terms of legal definition.

The amendment affects our relations with many countries, and to legislate in terms of which we have not a clear and definite understanding would be most unfortunate. The ordinary sense of the word "Caucasian" certainly does exclude many persons whom the Senator from Missouri does not intend to exclude. Even if, after mature deliberation, we were of the opinion that the races that would be included in this amendment upon any definition should be excluded, and had satisfied ourselves by clear and definite terms adapted to accomplish that purpose, nevertheless the purpose should be accomplished after having examined the treaty obligations which we have to the many nations that would be affected, and after having adapted our legislation to accomplish our purpose without the violation of

obligations or the wounding of feelings or the causing of resentment; not in this way, by a sweeping amendment, couched in indefinite terms, proposed and acted upon within but a very few minutes.

The PRESIDENT pro tempore. The Senator from Missouri calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CRAWFORD (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. REED (when his name was called). I make the same transfer that I have made on previous votes and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to my colleague, the junior Senator from Kentucky [Mr. CAMDEN], and will vote. I vote "nay."

Mr. DILLINGHAM. I observe that the senior Senator from Maryland [Mr. SMITH] is not here. I transfer my pair with that Senator to the junior Senator from Idaho [Mr. BRADY] and vote "nay."

Mr. LODGE. My colleague [Mr. WEEKS] is absent and paired as has just been announced; but if present, on this question he would vote "nay."

The result was announced—yeas 9, nays 47, as follows:

#### YEAS—9.

Hardwick	Martine, N. J.	Reed	Thomas
Jones	Poindexter	Smith, Ga.	Vardaman
Lane			

#### NAYS—47.

Ashurst	Gore	Norris	Smith, S. C.
Borah	Gronna	Oliver	Smoot
Brandeggee	Hughes	Overman	Sterling
Bryan	James	Page	Sutherland
Burton	Johnson	Perkins	Swanson
Chamberlain	Kenyon	Pomerene	Thornton
Clapp	Kern	Robinson	Townsend
Clarke, Ark.	Lee, Md.	Root	Walsh
Crawford	Lodge	Shafroth	White
Cummins	McLean	Sheppard	Williams
Dillingham	Myers	Simmons	Works
Fletcher	Nelson	Smith, Ariz.	

#### NOT VOTING—40.

Bankhead	du Pont	McCumber	Shields
Brady	Fall	Martin, Va.	Shively
Bristow	Gallinger	Newlands	Smith, Md.
Burleigh	Goff	O'Gorman	Smith, Mich.
Camden	Hitchcock	Owen	Stephenson
Catron	Hollis	Penrose	Stone
Chilton	La Follette	Pittman	Thompson
Clark, Wyo.	Lea, Tenn.	Ransdell	Tillman
Colt	Lewis	Saulsbury	Warren
Culberson	Lippitt	Sherman	Weeks

So Mr. REED's amendment was rejected.

Mr. REED. Mr. President, I move to amend the bill by adding, after the ninth line on page 8, the following:

All members of the African or black race.

On that I ask for the yeas and nays.

Mr. WILLIAMS. Mr. President, before the yeas and nays are granted upon that amendment I wish to say a few words.

When the immigration bill was up in the last Congress I offered an amendment precisely to the intended effect of this one. We are beginning to receive now some very undesirable immigration of the African race from the West Indies. A great many Jamaican negroes have been employed upon the Panama Canal; and after the termination of that work, having become accustomed to American wages, which they received down at Panama, a great many more of them begin to come to the Gulf ports. Florida and Louisiana have already received a considerable proportion of African immigration from the French and English West Indies; that is to say, immigration of West Indians who are wholly or partly Africans in race.

When this bill was up before I gave the statistics and showed how this West Indian negro immigration was increasing from year to year. Now, I am very much in favor of this bill. I am very much in favor of the principle which this bill represents. I am very much in favor of excluding undesirable immigrants from the United States. You have already a law whereby you exclude Chinese. Chinese are as much superior to negroes as can be, almost. You have a gentlemen's agreement with Japan by means of which you exclude Japanese.

A moment ago, when the Senator from Missouri offered his amendment excluding "all not of the Caucasian race," I voted against it, of course, because everybody who knew what the word "Caucasian" meant knew that it did not mean white, or it did not mean excluding undesirable and admitting desirable races. It would have excluded the Finns; it would have excluded the Laplanders; it would have excluded the Magyars, or what we call the Hungarians; it would have excluded a good many other people of European race, and it would have excluded some white people who are in Asia.

But I say now that you can not have free institutions grounded upon anything in the world except a homogeneous race. You can try it all you please, but you simply can not have it. You have got to have a population which is at least potentially assimilable in lawful wedlock. If you do not have a population all elements of which are potentially assimilable in lawful wedlock, then you have in the very midst of the Republic a disintegrating force, undemocratic, unrepugnant. You will have your choice, in certain sections of the country overpopulated by these heterogeneous elements, between either sacrificing your civilization to them or sacrificing your democracy to prevent them from sacrificing your civilization.

We already have negroes enough in the South. We do not want any more. I, for one, would be very glad if there were some scheme whereby, without injuring them in any degree, without doing them injustice in any degree, they could go somewhere else, of their own free accord, and to that extent solve this great problem.

Mr. President, there is another thing: The West Indian negro, as a rule, is a man who is accustomed to political and social equality, because the races intermarry in the West Indian Islands; and every West Indian negro who comes to the South comes with that idea in his mind and becomes a source of race conflict and a source of race oppression upon the white man's part, or an invitation and temptation to it, which is as bad for the white man as it is for the negro. The worst thing about having a lot of people together in the same community where one race insists upon its superiority is not the oppression of the inferior, but it is the invitation to tyranny upon the part of the superior. Whether that be the greatest trouble or not, it is at least a trouble equal to the other one.

I thought I would make these few remarks because I intended later on to introduce an amendment which would prohibit the immigration into this country of foreign-born negroes, as you have already prohibited the immigration of Chinese, infinitely superior to Africans, and as you have already, by a gentleman's agreement at any rate, substantially put an end to Japanese immigration.

The Japanese has proven himself, in arts of peace and in arts of war, the equal of the white man; yet we exclude him, and I think we are right in doing it, and I think Japan is right in recognizing our right to do it, because it is not a question of superiority and inferiority; it is a question merely of unassimilability—of racial difference so great that assimilability in wedlock is not to be expected.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. Yes.

Mr. SUTHERLAND. I sympathize with a good deal that the Senator from Mississippi has said, and I wish to ask him a question. Can the Senator tell us whether or not there are any immigrants of the class he mentions now coming into the country?

Mr. WILLIAMS. Oh, yes. I placed in the RECORD, when this bill was up before, the reports on the subject. This debate takes me by surprise to-day, and I do not remember them, but I placed them in the RECORD. While there is not a very vast multitude of them who have come thus far, they have been increasing very rapidly from a small beginning; and we may expect, after the laborers on the Panama Canal have lost their places, to receive a still larger increase upon the increase than we have had of an increase upon the original immigration.

Mr. SMITH of South Carolina. Mr. President—

Mr. SUTHERLAND. There is one other question I want to ask the Senator.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. WILLIAMS. I have yielded to the Senator from Utah, and until he is through I can not yield to any other Senator. Then I will yield to the Senator from South Carolina.

Mr. SUTHERLAND. I have not quite concluded. Another question I desired to ask the Senator was whether or not the undesirable immigrants of whom the Senator speaks would not be excluded under the illiteracy test?



Mr. WILLIAMS. A great number of them; a majority of them; I think in most of the islands over half, and in the English islands very nearly half. Again I am sorry that I have not the exact figures.

Mr. SMITH of South Carolina. Mr. President—

Mr. SUTHERLAND. Just a moment. Does not the Senator think that in view of the illiteracy test contained in this bill the number of negroes who could be admitted would be negligible?

Mr. WILLIAMS. No; not negligible. I think the number of negroes that could be admitted and would be admitted would be very materially decreased by the literacy test.

Mr. DILLINGHAM. Mr. President—

Mr. WILLIAMS. Very materially indeed; over half, I believe.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield at present.

Mr. WILLIAMS. But the others, owing to the peculiar conditions in the South, would be the flame carriers.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi now yield to the Senator from South Carolina?

Mr. WILLIAMS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I have before me the figures on the African race furnished up to June 30, 1914, the end of the fiscal year, by the Immigration Department for the whole United States, giving as well the number of illiterates that came. The whole number for the fiscal year ending June 30, 1914, was 8,447; the number of illiterates was 1,805; the percentage of illiteracy was 23.3.

This is what I was attempting to give when the Senator from Utah was interrogating the Senator from Mississippi, in order that we might understand clearly just what is the situation with regard to that matter.

Mr. WILLIAMS. Mr. President, having heard those figures, I confess myself somewhat surprised. My own impression was that a majority of the West Indian negroes could not read. It seems from this that only 23 per cent of those of them who came into the United States could not read. That is perhaps owing to the fact that the very best element—I mean by that the intellectually highest element—of the West Indian negroes comes to the United States, rather than the most inferior of them. I know that that percentage of illiteracy does not prevail in the West Indies themselves, where it is higher than 23 per cent.

The Senator will find, if he will go further into those figures, if he has them all before him, that since this immigration started in it has increased; and while the number of those who are coming now is not very large, as I said a moment ago, the increase each semidecade is a considerable percentage.

Mr. SUTHERLAND. I understand from the figures just quoted by the Senator from South Carolina that there were admitted into the United States something over 6,000—

Mr. SMITH of South Carolina. Eight thousand.

Mr. SUTHERLAND. I had not finished—something over 6,000 negroes who would not be excluded under the illiteracy test.

Mr. WILLIAMS. Yes; and that would be 77 per cent of the entire African West Indian immigration that came during the year the Senator quoted, whatever that year was.

Mr. SUTHERLAND. If the Senator will permit me just another word before I take my seat, so far as I am concerned I do not want to see the negro problem in this country added to; and for that reason I shall vote in favor of the amendment proposed by the Senator from Missouri.

Mr. WILLIAMS. Mr. President, I am glad to hear that. Twenty-odd years ago, in the House of Representatives, when the people of the Pacific slope came to Congress to stop Chinese immigration into the United States, I said to them: I am going to vote with you. Whenever we have asked your sympathy, you have denied it to us. When we have asked you for bread, you have given us a stone. When we have told you that we were of one blood with you, you have practically denied it by your conduct. You have undertaken to put an inferior race upon an exactly equal footing with us politically. You have done that as far as you could, and you have gone further, and you have sought to put them socially upon an equality with us.

"Now, independently of the question of superiority or inferiority," I then said, "there is a difference, which Lincoln recognized and which every man of sense must recognize, that prevents assimilability in lawful wedlock; and that is the key to this problem. If that does not exist, there can not be homogeneity of race; there can not be homogeneity of pur-

pose; there can not be homogeneity of ideals; and there can not be a common patriotism. There may be a dual patriotism, but it can not be a common one."

I said then: "Notwithstanding the manner in which you have treated us year after year, I do not propose to inflict you with a race problem like that from which my people have unavailingly sought to free themselves." I did not blame them, because they had not put the problem upon us. It was the common crime of a Yankee negro-selling and a southern negro-buying ancestry. I have never contended that the southern negro-buying ancestor was a bit less guilty than the northern negro-selling ancestor; but it was a problem upon which it seemed to me we could appeal to white men of a common ancestry everywhere throughout the United States, and especially to those on the Pacific slope and in the Rocky Mountain States. We of the South could say to them: "We are of the same blood. We are of the same race. We are of the same traditions. We are of the same ideals. We have the same family Government, which no other race knows except ourselves." We are one. Whether we be Italians or French or Germans or English or Scotch or Irish or Swedes or Norwegians in our white ancestry, we are one; but the minute these other people come in we so-called Americans become two or three or four—whatever it may happen to be. And that is not all. We are not only two or three or four when they come, but we remain two or three or four forever, because no matter how long these unassimilable races are here, we never become one, and can not become one without sacrificing things of great importance, without lowering our very race itself—not its standard, not merely its thought and its civilization, but its blood itself.

I sought to get an amendment almost identically the same upon the last immigration bill, and proposed to offer it at this time later on, and had mentioned it to some of my friends; but the Senator from Missouri has offered it in this shape, and I want to vote for it, although I think it could be better worded.

I say, gentlemen, you can not stand consistently before the American people and tell them that you vote for Chinese exclusion while you vote for African admission, when you know and I know and they know that the Chinaman is of a very superior race to the African.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. REED] calls for the yeas and nays on the pending question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Again announcing my pair with the senior Senator from Missouri [Mr. STONE], who is unavoidably absent, I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the Senator from Idaho [Mr. BRADY], and vote "nay."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. JAMES (when his name was called). Making the same transfer as upon the last roll call, I vote "yea."

Mr. REED (when his name was called). I wish to announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Alabama [Mr. BANKHEAD]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED], and that if the senior Senator from Michigan were present he would vote "nay" on this proposition.

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT] and in his absence refrain from voting.

I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent and that he is paired with the Senator from Rhode Island [Mr. COLT].

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. GALLINGER (after having voted in the negative). I observe that my pair, the junior Senator from New York [Mr. O'GORMAN], has not voted. I transfer my pair with that Senator to the senior Senator from Pennsylvania [Mr. PENROSE] and allow my vote to stand.

I wish to announce that the Senator from Wisconsin [Mr. STEPHENSON], who is necessarily absent, is paired with the Senator from Indiana [Mr. SHIVELY].

Mr. LODGE. My colleague [Mr. WEEKS] is absent and his pair has been announced. I desire to state that if my colleague were present he would vote "nay" on this amendment.

Mr. WILLIAMS. Before the vote is announced I wish to say that I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. I forgot to make the announcement, but considered myself at liberty to vote in consequence of a telegram which I explained on the last vote. I ask that the announcement I made then may stand for the balance of the day to prevent me from going through with this statement every time.

Mr. OLIVER. In view of the statement just made by the Senator from Mississippi [Mr. WILLIAMS], I desire to state that by the transfer of the pair of the senior Senator from New Hampshire [Mr. GALLINGER] my colleague [Mr. PENROSE] stands paired with the junior Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 29, nays 25, as follows:

## YEAS—29.

Ashurst	Johnson	Sheppard	Thornton
Borah	Kern	Simmons	Vardaman
Bryan	Lee, Md.	Smith, Ariz.	White
Chamberlain	Martine, N. J.	Smith, Ga.	Williams
Clarke, Ark.	Myers	Smith, S. C.	Works
Fletcher	Overman	Sterling	
Hardwick	Polindexter	Sutherland	
James	Reed	Swanson	

## NAYS—25.

Brandeggee	Hughes	Nelson	Shafroth
Burton	Jones	Norris	Smoot
Clapp	Kenyon	Oliver	Thomas
Cummins	Lane	Page	Townsend
Dillingham	Lewis	Perkins	
Gallinger	Lodge	Pomerene	
Gronna	McLean	Robinson	

## NOT VOTING—42.

Bankhead	du Pont	Newlands	Smith, Md.
Brady	Fall	O'Gorman	Smith, Mich.
Bristow	Goff	Owen	Stephenson
Burleigh	Gore	Penrose	Stone
Camden	Hitchcock	Pittman	Thompson
Catron	Hollis	Ransdell	Tillman
Chilton	La Follette	Root	Walsh
Clark, Wyo.	Lea, Tenn.	Saulsbury	Warren
Colt	Lippitt	Sherman	Weeks
Crawford	McCumber	Shields	
Culberson	Martin, Va.	Shively	

So Mr. REED's amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, while the Senate is wrestling with these problems of immigration I have this comforting news to proclaim to the men who are so opposed to immigration. In the Evening Star of to-day I find the following:

Immigration drops; more aliens quit United States—

Rejoice! Rejoice!

New York shows 45 per cent fewer incoming foreigners in 1914.

There is an array of figures here that I will not read. Then it goes on to say that—

Immigration officials and representatives of the immigrant aid societies explain the falling off in immigration, aside from the war, which is the chief factor, as being due to the curtailing of work in the United States and to an effort on the part of foreign countries to restrict emigration by providing work at home and bettering the condition of their working classes.

So rest your souls in peace and glory in being free from the possibility of immigration, and glorify yourselves to your hearts' taste that you shall have in the near by America for Americans.

Mr. REED. Mr. President, I offer an amendment. After the amendment just adopted, I move to add:

Or Turks.

The PRESIDENT pro tempore. The Senator from Missouri offers an amendment, which the Secretary will read.

The SECRETARY. On page 8, after line 9, and after the amendment just agreed to, insert the words "or Turks."

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. REED. I offer the following amendment, to be added immediately after the amendment just adopted:

All Turks and East Indians.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. REED. Mr. President, I desire to be heard on this amendment.

The PRESIDENT pro tempore. The Senator from Missouri will proceed.

Mr. REED. It seems to me, Mr. President, upon an important measure of this kind the Senate ought to be willing to permit a roll call. The yeas and nays are not asked for the purpose

of any delay. They are asked for the purpose of determining by record the individual opinions of Senators.

I would really like to know, and I think the country would really like to know, whether the Senate as a body or Senators as individuals believe a man of the Caucasian race, born and reared in Europe, who believes in the kind of home life we believe in, who believes in the kind of government, at least very largely, we believe in, should be excluded simply because he can not read and write, and those same Senators yet be unwilling to exclude men of alien races, whose presence in this country has recently produced riot, and whose presence in Canada just north of us has produced great disturbance.

I hope that the Senate will accord a ye-and-nay note upon this question. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I think I shall have to address the Senate upon this amendment.

The PRESIDENT pro tempore. The Chair will put the request again, if it pleases the Senator.

Mr. REED. I should be glad if the Chair would do that.

The PRESIDENT pro tempore. The Senator from Missouri asks for the yeas and nays on the amendment proposed by him.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. DILLINGHAM (when his name was called). Making the same announcement and transfer as on the last vote, I vote "nay."

Mr. FLETCHER (when his name was called). I make the same announcement as before as to my general pair with the Senator from Wyoming [Mr. WARREN] and its transfer to the Senator from Tennessee [Mr. SHIELDS]. I vote "nay." I will let this announcement stand on all subsequent votes.

Mr. JAMES (when his name was called). Again transferring my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to my colleague [Mr. CAMDEN], I vote "nay."

Mr. WALSH (when his name was called). I announce my pair with the Senator from Rhode Island [Mr. LIPPITT] and therefore refrain from voting.

I also announce that the Senator from Delaware [Mr. SAULSBURY], who is necessarily absent, is paired with the Senator from Rhode Island [Mr. COLN].

The roll call was concluded.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from North Dakota [Mr. McCUMBER] and vote. I vote "nay."

The result was announced—yeas 10, nays 43, as follows:

## YEAS—10.

Ashurst	Hardwick	Martine, N. J.	Vardaman
Borah	Jones	Reed	
Chamberlain	Lane	Thomas	

## NAYS—43.

Brandeggee	Hughes	Oliver	Smith, S. C.
Bryan	James	Overman	Smoot
Burton	Johnson	Page	Sterling
Clapp	Kern	Perkins	Sutherland
Clarke, Ark.	Lee, Md.	Polindexter	Swanson
Crawford	Lewis	Pomerene	Thornton
Cummins	Lodge	Robinson	Townsend
Dillingham	McLean	Root	White
Fletcher	Myers	Shafroth	Williams
Gallinger	Nelson	Sheppard	Works
Gronna	Norris	Simmons	

## NOT VOTING—43.

Bankhead	Fall	Newlands	Smith, Ga.
Brady	Goff	O'Gorman	Smith, Md.
Bristow	Gore	Owen	Smith, Mich.
Burleigh	Hitchcock	Penrose	Stephenson
Camden	Hollis	Pittman	Stone
Catron	Kenyon	Ransdell	Thompson
Chilton	La Follette	Saulsbury	Tillman
Clark, Wyo.	Lea, Tenn.	Sherman	Walsh
Colt	Lippitt	Shields	Warren
Culberson	McCumber	Shively	Weeks
du Pont	Martin, Va.	Smith, Ariz.	

So Mr. REED's amendment was rejected.

Mr. REED. Mr. President, I desire to state that it has been my purpose to offer amendments excluding certain other kindred races, but the Senate has fully expressed its opinion in regard to this matter and I shall not take its time now to do so. I offer the following amendment: On page 5, line 14. I move to strike out the words "admit their belief in the practice of polygamy" and to insert in lieu thereof "believe in, advocate, or practice polygamy."

Mr. President, just a word in explanation. There are two different phraseologies employed in various places in this bill. In one case we find that it requires that the immigrant shall



admit his belief in a certain doctrine; in the other case the fact that he does believe in a certain doctrine is all that is required. Let me illustrate what I mean by this exact sentence, which I am now attacking, by the sentence that follows. Going back to the beginning of section 3, it reads:

That the following classes of aliens shall be excluded from admission into the United States.

Then follow a large number of classes, the exclusion relating to diseased people, and so forth. Then comes the language:

Persons who have been convicted of or admit having committed a felony.

Then:

Polygamists, or persons who admit their belief in the practice of polygamy.

The next language is:

Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States.

Any persons who admit that they believe in it and persons who believe in it. I am attacking the same character of language with reference to the polygamists that we apply to the anarchists, and which is applied at various other places in the bill to various other classes.

No man who believes in the practice of polygamy or in any act unlawful under our Government, and who advocates it, ought to be permitted to come into the United States, and the Government ought not to be required to admit him simply because he does not admit his belief. That ought to be a matter of proof as to him, as it is as to anarchists or as to other people who do not intend to obey our laws.

Mr. SMITH of South Carolina. Mr. President, I am glad the Senator from Missouri has called the committee's attention to that. The chairman of the committee will accept the amendment.

Mr. REED. Very well.

The PRESIDENT pro tempore. The amendment will be accepted without objection.

Mr. SUTHERLAND. Mr. President, I did not quite hear what the Senator from South Carolina said.

Mr. SMITH of South Carolina. I said that, as chairman of the committee, I accept the amendment.

Mr. SUTHERLAND. Mr. President, I do not think the chairman of the committee can conclude the matter for the Senate.

The PRESIDENT pro tempore. The Senator from Utah is right about that.

Mr. SUTHERLAND. I want to say a word about it before the matter is disposed of.

Mr. SMITH of South Carolina. I want to state to the Senator from Utah that I have modified my expression, and said that, as chairman of the committee, for the committee, I accept the amendment. As a matter of course, I did not propose—

Mr. SUTHERLAND. I am not certain that the Senator can accept it for the committee.

The PRESIDENT pro tempore. Not in the face of objection by a Senator.

Mr. SUTHERLAND. The Senator from South Carolina can accept it for himself.

Mr. President, I am opposed to this amendment. I am just as much opposed to polygamy or the practice of polygamy as is the Senator from Missouri or any other Senator here, but I know there are people in this world who theoretically believe in polygamy, but who in this country would not dream of practicing it and who would not dream of advocating it. There have been a large number of people in my own State in former years who not only believed in polygamy, but who practiced it; but that practice has been abandoned, yet I venture to say that there are many people there to-day who, as a merely theoretical proposition, may believe in it, and they are, notwithstanding, very good people. The polygamists of that State who not only believed in it, but who practiced it in former years, outside of that one objectionable thing, were among the best citizens of the country. I do not think that a test of this kind ought to be put into an immigration bill, a test which seeks to probe the conscience of the individual as to a mere abstract belief.

The provision that is in the bill to-day—those "who admit their belief in the practice of polygamy," or who practice it—has been the law for a great many years, and I am not aware that any harm has resulted from the enforcement of the law in the terms in which we find it.

Mr. REED. Mr. President, I simply have a word to say. I am not offering this amendment out of any desire in the world to raise a religious question or to hurt the feelings of any person, but if it is right to exclude a man who admits that he believes in polygamy—and that is the language of the bill—then it is not the admission of the belief that constitutes the objec-

tion; it is the belief itself; and the possession of such a belief ought not to be determined only by what a man admits to an immigration inspector, but it ought to be determined as is any other question of fact.

Mr. SUTHERLAND. Mr. President, if the Senator will pardon me a moment, I will call his attention to the fact that the language of the bill is "admit their belief in the practice of polygamy," which is a very different thing from admitting a belief in polygamy. They do not believe in the practice of it.

Mr. REED. Mr. President, I have a great deal of charity in my heart for those people who, because of what I regard as a very false teaching, believe in the practice of polygamy, and who, in accordance with that belief, did practice it in the United States. The Government, however, has acted upon that practice and it is now prohibited within the borders of this land.

The question we are now passing upon is the desirability of immigrants. It has been repeatedly said here that immigrants have no God-given or natural right to land on our shores. You propose to exclude a man who believes in every principle of morals, who has lived an upright life from birth until he arrives at our ports, who comes here with the intention to obey every law of this land, who is sound in body and in mind, simply because through misfortune or for some other cause he was unable to learn to read. Now, I want to say that, applying those rules, people who believe in or who practice that which is prohibited by the law of the land ought not to be admitted, and they should not be admitted any more because they deny the truth than they should be excluded because they admit the truth. It is not a proper test. So, Mr. President, with those remarks I am willing to submit the question, so far as I am concerned, but I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment, and then the Chair will put the request for the yeas and nays.

The SECRETARY. On page 5, line 14, it is proposed to strike out the words "admit their belief in the practice of polygamy" and insert "believe in, advocate, or practice polygamy," so that the clause will read, "or persons who believe in, advocate, or practice polygamy."

Mr. REED. I ask for the yeas and nays on the amendment.

Mr. BORAH. Mr. President, I want to say a word upon this matter before it goes to a vote. I represent in this body in part a large number of people who may be said to be in a way interested in this question for the reasons suggested by the Senator from Utah [Mr. SUTHERLAND], a people who at one time preached and practiced polygamy. A number of years ago they renounced the practice of polygamy in the most solemn and positive way that a people could, and it has been my belief that they have sought to live up to that renunciation. I have had occasion many times to defend their good faith, and I have done so in the full belief that that renunciation was sincere. They are a most worthy and desirable people from the standpoint of industry, of obedience to law, and of loyalty to the Government. In the thickly settled Mormon communities crime is almost unknown.

Mr. President, I am not willing by my vote to leave what I conceive to be an imputation upon the sincerity, the good faith, and the good citizenship of so many of my constituents. I think if they were called upon as a body they would support this amendment, and, representing, as I do, those people, and believing in them, believing that they acted in good faith, and are now acting in good faith, that this practice has been renounced and its belief no longer a part of their creed, I must vote to favor the amendment, although I doubt if in actual effect it will materially change the bill. If I vote in view of the way in which the question has been raised against the amendment, I leave the world to understand that ten or twelve thousand people in my State believe in that which is denounced by the laws of their country as a crime, that, while they do not practice it for fear of punishment, they nevertheless believe in it—that their renunciation was forced and insincere. That is not my understanding of good faith, and I must represent them as I believe them to be, a sincere and lawabiding people both in their hearts and their conduct, their minds and their practices. I take the responsibility of placing them in that light before the world by my vote.

Mr. SMOOT. Mr. President, I desire to say a few words in relation to this proposed amendment; and, in connection with it, perhaps this is just as good a time as any for me to let the Senate know the attitude of the church in relation to the practice of polygamy.

On April 5, of 1904, at one of the general conferences of the church held in Salt Lake City semiannually, at which there are always from 20,000 to 30,000 members of the church present, action was taken upon the question of the practice of polygamy.

Joseph F. Smith, the president of the church, in speaking at that conference said:

I am going to present a matter to you that is unusual, and I do it because of a conviction which I feel that it is a proper thing for me to do. I have taken the liberty of having written down what I wish to present in order that I may say to you the exact words which I would like to have conveyed to your ears, that I may not be misunderstood or misquoted. I present this to the conference for your action.

This is his official statement:

#### OFFICIAL STATEMENT.

Inasmuch as there are numerous reports in circulation that plural marriages have been entered into contrary to the official declaration of President Woodruff, of September 26, 1890, commonly called the "Manifesto," which was issued by President Woodruff and adopted by the church at its general conference October 6, 1890, which forbade any marriages violative of the law of the land, I, Joseph F. Smith, president of the Church of Jesus Christ of Latter-day Saints, hereby affirm and declare that no such marriages have been solemnized with the sanction, consent, or knowledge of the Church of Jesus Christ of Latter-day Saints; and

I hereby announce that all such marriages are prohibited, and if any officer or member of the church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the church and will be liable to be dealt with according to the rules and regulations thereof and excommunicated therefrom.

JOSEPH F. SMITH,

President of the Church of Jesus Christ of Latter-day Saints.

They charge us with being dishonest and untrue to our word. They charge the church with having violated a "compact," and all this sort of nonsense. I want to see to-day whether the Latter-day Saints representing the church in this solemn assembly will not seal these charges as false by their vote.

President Francis M. Lyman presented the following resolution, and moved its adoption:

In this connection I want to say that Francis M. Lyman was and is at present the president of the quorum of twelve—

#### RESOLUTION OF INDORSEMENT.

"Resolved, That we, the members of the Church of Jesus Christ of Latter-day Saints, in general conference assembled, hereby approve and indorse the statement and declaration of President Joseph F. Smith, just made to this conference, concerning plural marriages, and will support the courts of the church in the enforcement thereof."

The resolution was seconded by a number of presidents of stakes and prominent elders.

The resolution was then adopted by unanimous vote of the conference.

Mr. President, perhaps I can explain better than anyone present, to the Senator from Missouri and to other Senators, how the amendment would affect immigrants who are members of the church. One of the articles of faith of the church is "that we believe the Bible to be the word of God." The Bible, particularly the Old Testament, sanctions polygamy; and if a Mormon were asked, "Do you believe in the Bible?" he would say, "Yes." Perhaps the immigrant, a member of the church, coming into this country who should be asked that question would have no other thought in his mind than a belief in the Bible.

I want to say to the Senator also that if the president of the church decided to reestablish the practice of polygamy to-day he could not do so. He would not think of undertaking it as long as the law of the land is against it. It is a thing of the past, and it seems to me that it is the wrong time to try to cast reflection—because I can not see it in any other light than as a reflection—upon a people who have in good faith, after the Supreme Court of the United States decided that polygamy was unlawful, in conference assembled agreed that it should not be practiced by the sanction of the church.

I do not want anyone to misunderstand me. There have been sporadic cases since the year 1890; but, as I understand, since the conference of the people passed upon this question, if there has been a single case that was known to the authorities of the church the offender has been excommunicated, just as this resolution stated he would be.

I do not want to ask any special privileges for adherents to my church. If immigrants believe in the practice of polygamy, I would say, "Bar them from the United States," but I do not believe they ought to be barred because of a belief in the Bible or a mere belief in a form of religion.

That is the situation of the Mormon people as I understand it, Mr. President. If the Senator from Missouri knew the true inward feeling and the true belief of the Mormon people, I do not believe he would for one minute try to keep that class of people out of the United States, for I want to say now that there is not a more honest, a more industrious, a more God-fearing or liberty-loving people in all the United States than you will find the Mormons to be.

Mr. ASHURST. Mr. President, inasmuch as this question has been presented, I feel that it would not wholly become me to sit in my seat at this particular time, in view of the manner in which the question was raised, and not say a word, for while I am sure no one in this Chamber intended to make any reflection upon a certain people large numbers of which are residents of my State, nevertheless the peculiar way in which the ques-

tion was raised by the proponent of the amendment might be construed to be some criticism of or thrust at those particular citizens.

Mr. President, until I was 9 years of age, other than my sister and my brothers, I had no playmates whatever except those who were members of the Mormon Church. I knew them in their boyhood and in their beautiful girlhood. A purer or more delightful company of playmates no youth ever knew. They were clean, wholesome, and God-fearing, and have grown up to be useful, honorable, industrious citizens of the State of Arizona.

I knew these boys and girls, of course, before the manifesto of 1890, and it was true that some of the older members of the Mormon Church at that time practiced polygamy, but no more so than many gentiles in some large cities practiced polygamy, except that the Mormons had the nerve openly to admit and support their wives, and those gentiles who practiced polygamy in the cities did not. When I grew to manhood I observed the frugality, the industry, the sobriety, and the honesty of the Mormon people. I presume that next to the State of Utah the State of Arizona has the largest so-called Mormon population, and they are a distinct credit to our State.

After the manifesto of 1890 polygamy or plurality of wives in Arizona among the Mormons ceased; that is to say, so far as the contraction of new or additional marriages was concerned. It was probably true that in some of the isolated parts of the then Territory, now State of Arizona, some of the older Mormons who had in previous years contracted polygamous marriages supported their wives after the manifesto of 1890, but I am within the bounds of truth and conservatism when I say—and I believe I possess some knowledge of the situation—that no polygamous marriages among the Mormons in my State have been contracted since the manifesto. I am very sufficiently convinced that if the hierarchy or the authorities of the Mormon Church should attempt as a policy, which I am certain they never will do—if they should attempt to resume the practice of polygamy, such a thing would not be received among the Mormons in my State, and the Mormons themselves would recoil from it and oppose it just as vigorously as would the gentiles.

Mr. THOMAS. Mr. President, the amendment offered by the Senator from Missouri is one which I think is designed to, and which does, supplement the recitals of the bill as reported from the committee without being aimed at any particular organization, either religious or secular. If I thought it was, I would not support it. Believing that it is designed for a proper purpose, I am constrained to do so.

I do not think the practice of or abstention from polygamy should be dependent either upon a manifesto or upon a church resolution. It should be prohibited and the prohibition enforced by the laws of the country. The comments of the Senator from Arizona [Mr. ASHURST] indicate to my mind the necessity of a somewhat comprehensive statute upon this subject if it be true that the practice is confined to no section of the country, but prevails as well in some of the large cities of the United States, and perhaps in some which are not so large.

Mr. President, I should not have said anything at all upon this subject but for the fact that reference has been directly made to the Mormon Church, and I should not have done so in that event but for the fact that in the recent campaign I received a circular, a political pamphlet, presumably from members of my own party, directed against the distinguished senior Senator from Utah, who was then a candidate for reelection. That pamphlet, very much to my surprise, not only criticized, but was inclined to abuse the Senator from Utah because of his failure at the time of his investigation to defend the doctrine. I thought it was very much to his credit, and I think so now, that he did not defend it, but the fact that such a circular, designed, of course, for political purposes, was being used in that campaign seemed to me to indicate that some legislation of this sort might be desirable. I say that, too, without intending to reflect upon the church to which the Senator belongs or upon any of its members. The thought which I have in mind is that a subject of this sort should be above and beyond any church declaration and based upon the laws of the country.

Mr. REED. Mr. President, I would not take the time of the Senate to say another word except for the remarks that have been made.

I do not believe there is a man in this Chamber, or in this city, or in this country, who has any more liberal views upon the matter of religious freedom than I have. I did not offer this amendment thinking it would provoke even a discussion. I did not bring it forward for the purpose of harassing the feelings of any person. It seemed to me that the language of the bill is inapt and that it does not produce the result its authors must have intended.



The language of the bill is that no one shall be permitted to come here who admits his belief in, or who practices, polygamy. That is the present language. All I desire to do is to change that language so that the admission of belief or failure to admit belief shall not be conclusive, but that the fact, like any other fact, shall be determined as a fact.

I call the attention of the Senate again to this circumstance: In the sentence immediately following the same test is applied that I now seek to apply to another class of people. Notice:

Polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow of government.

Not those who admit their belief in, but those who do believe in, the overthrow of government.

This is not a reflection upon those people who live in the State of Utah or elsewhere who have abandoned a practice that is now declared to be illegal. It has no application whatever to them. The bill itself proposes to exclude people who believe in polygamy, but the test in the bill is that they must admit it, not that it shall be a fact. I am simply seeking to make it a fact provable otherwise than by the admission of the immigrant; that is all.

I am very glad to hear from the Senator from Utah that there has been a conformity with the law. The Senator from Utah knows, I think, that when certain charges were sent to me recently, claiming that the practice had been continued, and that there had been absolute defiance of the law, I wrote in response to those charges and said that I did not believe that to be the fact. I remember speaking to the Senator once about the matter.

The whole question resolves itself into this: Suppose an immigrant comes here and says, "I believe in the practice of polygamy." He is excluded. He has been frank. Suppose another immigrant comes who does believe in the practice of polygamy, who does practice it, and who does advocate it, but who refuses to admit it. Should he be admitted? Manifestly not.

Mr. SUTHERLAND. Mr. President—

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. To which Senator from Utah does the Senator yield?

Mr. REED. I yield first to the junior Senator from Utah, because he first took the floor.

Mr. SUTHERLAND. The objection which I make to the Senator's amendment is not based upon his proposition to eliminate the word "admit," but is based upon his proposition to eliminate the word "practice." I would have no objection—I think nobody would have any objection—to leaving out the word "admit" and saying "who believe in or advocate the practice of polygamy."

Mr. REED. I did not leave the word "practice" out of my amendment.

Mr. SUTHERLAND. I beg the Senator's pardon. I will ask to have the amendment read.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Missouri.

The SECRETARY. On line 14 it is proposed to strike out the words "admit their belief in the practice of polygamy" and to insert "believe in, advocate, or practice polygamy."

Mr. SUTHERLAND. Yes; that is, believe in polygamy or advocate polygamy or practice polygamy.

Mr. REED. Yes.

Mr. SUTHERLAND. If the Senator would say "believe in or advocate the practice of polygamy or practice polygamy," I should have no objection to it; but I think there is a vital distinction, and, if the Senator will permit me, I think I can point it out to him.

The question of a man's belief rests in his own bosom. I may believe that some particular law is unwise. I may believe that the thing which the law inhibits ought to be permitted to be done; but that ought not necessarily to exclude me from the country, if I believe that the law, as long as it is in existence, ought to be enforced, and if I propose to conform my conduct to the law, and if I am opposed to anybody else breaking the law. We ought not to make the test a mere abstract belief in a doctrine.

Mr. REED. If the Senator will pardon me, if he will drop down to line 15 he will find that identical language is applied to the anarchist. Anyone who believes in anarchy can be excluded; anyone who advocates anarchy can be excluded. I am simply seeking to apply to the polygamist or the person who believes in polygamy the same language that is applied to the anarchist. You reach, in the second case, the matter of a belief, the matter of an opinion.

Mr. SUTHERLAND. The Senator may be right about that; but that does not alter the argument I am making. Because one part of the bill may be objectionable, it does not warrant us in making another part of the bill objectionable.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me a moment, I think the purpose of the Senator from Missouri is to prevent, if possible, the growth of that sentiment in this country. This does not affect the people who believe in polygamy who are now residents of the United States; but the purpose of the amendment, as I understand it, is to prevent the growth of that sentiment. While a man can not control his thoughts or his conclusions any more than he can the beating of his heart—he thinks as he must, not as he would—the purpose of this amendment is to prevent the growth of the population of America who entertain those views. I think it is a very proper amendment.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SMOOT. I wish to say to the Senator from Missouri there would be no objection whatever by any member of the church nor could there possibly be objection if his amendment read "or persons who believe in the practice of or who advocate polygamy." Nobody would object to that. I told the Senator in a very few words the reason why, and the only reason why, I or anyone else could object to the words "believe in." I know, or I think I know, what the result will be to the Mormon immigrants if the proposed amendment is adopted. As I stated before, one of our articles of faith is "that we believe the Bible to be the word of God." In that polygamy is sanctioned, I can not see what is going to be gained by the proposed amendment if it means the same as the provision in the House bill, as Senators claim. If it means the same, there is no necessity for a change.

I would go as far as the Senator from Missouri or anyone else possibly could go to prevent any man or woman coming into the United States who believes in the practice of polygamy. I do not care how broad you make the language or how binding. I do not believe that anyone ought to be admitted into the United States who would advocate the practice of polygamy, and I do not care how strong or how broad the language is to accomplish that purpose. But I do not believe that it ought to go to a mere abstract belief in polygamy.

Mr. REED. Mr. President, if a man believes in polygamy, he believes in the practice of polygamy and he will sustain the practice of polygamy; and he will uphold the practice of polygamy the very moment he has the opportunity so to do. In parity with that, if a man believes in anarchy he believes in the practice of anarchy. He may not believe that this is the opportune moment to practice it, but he is a potential factor in our life who will manifest his belief by acts when the opportune time comes.

Mr. SMOOT rose.

Mr. REED. Now, just a word. I have yielded to the Senator and I will yield again in just a moment.

Mr. SMOOT. I will not ask the Senator to yield now.

Mr. REED. The Senator says if a man believes in the Bible he therefore believes in polygamy, and that an immigrant might be asked if he believed in the Bible, and if he said he did he might be excluded, because the Bible advocates polygamy, according to the Senator's theory.

Mr. President, nobody in the Senate except the Senator from Utah believes that any man is going to be excluded at the gates of this country who answers affirmatively the question "Do you believe in the Holy Bible?" but if that were an admission of the belief in polygamy he is already excluded by the terms of the bill as it now stands. The bill now says that a man who admits his belief shall be excluded, and if admitting that you believe in the Bible be an admission of a belief in polygamy then the immigrant would be excluded by the very test the Senator himself sets up.

I repeat, the question of difference is this: The bill says that a man who admits his belief in polygamy shall be excluded. I say the bill ought to read that a man who believes in polygamy should be excluded, whether he admits it or does not admit it. The Government should not be concluded by the simple statement of the individual. The fact ought to determine his admissibility, not his admission of the fact. If the Government could prove that he believed in polygamy, it ought to as effectually as an admission on his part that he believes in it. We are excluding them by the terms of the bill now for the doctrinal reason, for the opinion reason. The sole question is

whether that is to be determined absolutely and finally by the admission of the immigrant, or whether it is to be determined as a fact.

I repeat, take two men. One of them comes here and says, "Yes; I believe in the practice of polygamy." He is frank and truthful, and he is excluded. Another man says, "No; I refuse to speak upon it; I say nothing." And yet the Government can prove conclusively that he does believe in the practice. He comes in, while the frank man is excluded.

Mr. President, I ask for the yeas and nays on agreeing to the amendment.

Mr. ROOT. Mr. President, I really do not think that there is any practical difference in the effect of the two forms of words, those in the bill and those proposed by the Senator from Missouri. They are both designed to accomplish the same object, and I do not think there will be the slightest difference in the practical effect of them.

I do not think the proposal of the Senator from Missouri, which he thinks will make the prohibition stronger, is any reflection upon the people of Utah or the members of the Mormon Church, because we know that they have long since abjured the practice of polygamy. But I am going to vote for the amendment because the question has been raised here, and I would rather not have the people of the country get the impression that the Senate of the United States prefers to make a weak rather than a strong prohibition against the increase of polygamy in the country. I think the fact that the subject has been discussed and that there is a form of words which some Senators think will be more effective as compared with another form which they think will be less effective is in itself reason enough for selecting the stronger form.

Mr. WORKS. Mr. President, I shall not want to precipitate any religious discussion here, but it has been assumed as a fact that the Bible does teach polygamy. I have no doubt at all about the sincerity of the Senator from Utah [Mr. SMOOT] and his people in so construing the Bible, but I shall not want it to go out to the country that the Senate of the United States has admitted as a fact that the Bible does teach polygamy. For myself, I do not believe the Bible teaches any such thing.

Mr. SMOOT. Mr. President, just one word in answer to the Senator from Missouri [Mr. REED]. The Senator from Missouri made the statement that if a man believes in polygamy he would practice polygamy as soon as the opportunity offered itself. I know that there are men who believe in polygamy who would not practice polygamy when the law of the land prohibits it. One of the articles of the faith of the church is "that we believe in honoring, sustaining, and obeying the laws of the land." It does not make any difference whether the member is a resident of this country or any other country, he must honor and obey the laws of the land in which he lives.

I want to say to the Senator from Missouri that as long as the laws of the land are opposed to polygamy, and the highest court of the land has sustained the law, there is no good member of the Mormon Church who is going to violate that law. He may believe in the abstract principle of polygamy as sanctioned by the Bible. I do not refer to this to get into a controversy with anyone as to what the construction of the Bible may be upon that question, but I wanted the Senate to know the facts as they really exist.

Mr. President, there is one other matter which was brought to my attention by the remarks made by the Senator from Arizona [Mr. ASHURST]. I do not want Senators to get a misunderstanding of what the real situation is, because I believe every Senator and every public man and every person in the United States ought to know the true situation. There were men who entered polygamy before the manifesto of 1890 who still live with and support their families. They support them, they acknowledge them, and I believe that there is no one in the State of Utah or anywhere else who knows the situation who would not say that under the circumstances that should be allowed.

When people say that polygamy is practiced in the State of Utah, it is only that kind and nothing else, and I want the country to know it. I want the country to know that, as far as I am concerned, if there is any member of the church who would go into polygamy to-day I would say he ought to be handled by the law of the land, and not only by the law of the land but by the rule of the church. That is the situation as it exists, and that is what we believe ought to be done with such cases, and that is what is being done.

But I am fearful, Mr. President, that under the amendment the Senator has offered, wherein it says "any person who believes in polygamy," it will be construed as an abstract belief; and when a member of the church from any foreign country comes to our shores he will be met with the question whether

he believes in polygamy in the abstract. I do not see how he can say otherwise than that he does if he believes in the Bible. That is my opinion. I do not say that it is the opinion of others, nor do I criticize anyone for having a different opinion, but that is my opinion. If the proposed amendment goes no further than the present law and means the same, I would have no objection to it.

Mr. BORAH. Mr. President, the bill reads at present "or persons who admit their belief in the practice of polygamy."

The Senator from Missouri would change it so as to read "or persons who believe in, advocate, or practice polygamy."

Mr. President, I agree entirely with what the Senator from New York [Mr. ROOT] has said, that in its practical operation there will be very little difference whether the amendment goes into the law or is left out; but I think it makes a very great difference as to the construction which will be put upon the good faith of the tens of thousands of people who live in the great Rocky Mountain country who are identified with the Mormon Church. I have no right to speak, of course, in the way of advice to the Senator from Utah [Mr. SMOOT], but I am satisfied he could not do his people a greater service than to say that they were ready to be put to the test as to their belief in polygamy. It would seal the lips and silence the tongue of the last and bitterest critic of his church.

Polygamy in the United States is denounced as a crime. The great majority of the people of the United States believe that it is a crime. Even those who practice it believe it is a crime. The great Mormon Church has acquiesced in that denunciation of polygamy and has stood solemnly before the people declaring as a result of its conference that it renounced the doctrine of polygamy. Some of us have had to meet that question upon every political rostrum in the West, and those who have defended the Mormon people and the Mormon Church have done so because they believed they were acting in good faith. The Senator from Utah knows that the good faith of some of us has been challenged because they insisted that we knew that the Mormon people were not acting in good faith. It has been said that we defended them out of political necessity, knowing that they were in their hearts defiant of the laws of their country.

As I said a moment ago, since the president of the Mormon Church announced that polygamy had been renounced by the church I have never doubted for a moment that they were acting in perfect good faith, and knowing the natural disposition of the Mormon people to obey the law, I did not hesitate for a moment to take the position that they were acting in good faith and obeying this law.

But now, Mr. President, the Senator from Missouri offers an amendment which goes to the question whether or not they believe in that which in this country is denounced as a crime, and representing, as I do, some seven or eight or ten thousand, perhaps twelve thousand Mormon people, I am not willing to vote to the effect that those constituents of mine believe in a crime and refuse to practice it simply because the law makes it dangerous to do so.

Let us make no mistake about this, Mr. President. Those people are just as honest, just as industrious, just as patriotic, just as loyal to their country and to their flag as any people who live within our State, and I would just as soon think of saying the other people in my State believe in the commission of crime as to say that they believe in it or to say that they continue to believe in that which they have before the world renounced.

I agree with the Senator from New York [Mr. ROOT] that the adoption of the amendment makes very little difference except as to the imputation which it places upon those people and upon the Senate.

Mr. President, so far as the teachings of the Old Testament are concerned, I should like to have some one point me to a paragraph which teaches polygamy. The old Bible tells us of that which we inhibit, to wit, the practice of polygamy, but nowhere in that sacred Book have I been able to find anything which teaches it or recognizes it as a practice worthy of defense or other than a mistake of these people in those early days. When Sarah complained of the presence of Hagar, Hagar, though a mother, was sent into the wilderness to die. The patriarchs never sought to defend their practices, much less to erect their mistakes into a creed or hallow them as a faith.

But it matters little to me, sir, believing as I do in the Holy Scriptures, what the Old Testament teaches with reference to polygamy or with reference to the practice of polygamy. I know that when the new dispensation came and He who made no mistake as to the best interest of the human family renounced it, it no longer found a place in the belief of a Christian people. For 2,000 years civilization has accepted the dis-



pensation which came from the immaculate lips of the Savior to the effect that the old dispensation was at an end, and the people of this country accept the Bible as the last Interpreter gave it to them, and not according to the practice of those who had not felt the effects of His presence upon this earth.

For this cause shall a man leave his father and mother and cleave to his wife; and they twain shall be one flesh.

Not wives, but wife; not three, not four, but two, "twain." This is not alone the gospel, but it is the law, and in their light and instructions alone may we safely invite the emigrant to our shores.

The PRESIDENT pro tempore. The Senator from Missouri demands the yeas and nays on agreeing to his amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and unless I can secure a pair I shall withhold my vote.

Mr. TOWNSEND (when Mr. DILLINGHAM's name was called). The senior Senator from Vermont [Mr. DILLINGHAM] has been called from the Senate on official business. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. JAMES (when his name was called). I make the same transfer of my pair as upon the last vote and vote "yea."

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea." I also announce the necessary absence of the Senator from Delaware [Mr. SAULSBURY] and desire to state that he is paired with the Senator from Rhode Island [Mr. COLT].

The roll call was concluded.

Mr. HUGHES. Mr. President, I desire to vote on this amendment, but I should like the liberty of making a very short statement.

The PRESIDENT pro tempore. That can not be done without unanimous consent. Is there objection? The Chair hears none.

Mr. HUGHES. I propose to vote against this amendment for the reason that I do not think a man's religious belief should be made a test of his admission to this country.

The PRESIDENT pro tempore. The Chair made a misruling. The Chair does not think the Senator can interrupt the roll call, even by unanimous consent.

Mr. HUGHES. I am satisfied with the statement which I have made. I now desire to vote. I vote "nay."

The result was announced—yeas 54, nays 3, as follows:

#### YEAS—54.

Borah	Johnson	Norris	Simmons
Brandegee	Jones	O'Gorman	Smith, Ga.
Bryan	Kenyon	Oliver	Smith, S. C.
Burton	Kern	Overman	Sterling
Clapp	Lane	Page	Swanson
Clarke, Ark.	Lee, Md.	Perkins	Thomas
Cummins	Lewis	Polindexter	Thornton
Fletcher	Lippitt	Pomerene	Townsend
Gallinger	Lodge	Ransdell	Vardaman
Gore	McCumber	Reed	Walsh
Gronna	McLean	Robinson	White
Hatch	Martine, N. J.	Root	Works
Hitchcock	Myers	Shafroth	
James	Nelson	Sheppard	

#### NAYS—3.

Hughes	Smoot	Sutherland
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#### NOT VOTING—39.

Ashurst	Colt	Martin, Va.	Smith, Md.
Bankhead	Crawford	Newlands	Smith, Mich.
Brady	Culberson	Owen	Stephenson
Bristow	Dillingham	Penrose	Stone
Burleigh	du Pont	Pittman	Thompson
Camden	Fall	Saulsbury	Tillman
Catron	Goff	Sherman	Warren
Chamberlain	Hollis	Shields	Weeks
Chilton	La Follette	Shively	Williams
Clark, Wyo.	Lea, Tenn.	Smith, Ariz.	

So Mr. REED's amendment was agreed to.

Mr. REED. I desire to make a statement. I voted the last time and the time before without announcing the transfer of my pair with the Senator from Michigan [Mr. SMITH]. It was a mere inadvertence on my part.

Mr. O'GORMAN. I desire to inquire, Mr. President, whether there is an amendment pending to strike out the word "solely," in line 11, page 9, of the bill?

The PRESIDENT pro tempore. As the Chair is advised by the Secretary, no such amendment is pending.

Mr. O'GORMAN. I move that the bill be amended by striking out the word "solely," in line 11, on page 9. It will be

noticed in that connection that the provision relates to the exemption of persons escaping from religious persecution. It seems to me that if the word "solely" is retained the advantage intended to be conferred by the committee will be lost to those in whose interest the exemption was inserted in the bill. I think by omitting that word the purpose of those favorable to such exemption will be best carried out.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to. The Chair hears none, and it is agreed to.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from South Carolina in charge of the bill if we have not worked long enough to-day?

Mr. SMITH of South Carolina. Mr. President—

Mr. GALLINGER. I venture to ask the Senator if he agrees with me that it is about time for us to adjourn or to take a recess; and if he will agree to have the bill laid aside temporarily to permit the Senator from Mississippi [Mr. WILLIAMS] to report a resolution in which both sides of the Chamber are interested?

Mr. SMITH of South Carolina. Mr. President, I would prefer, if possible, as to-morrow is a holiday, to go on with the bill. It seems to me—

Mr. GALLINGER. The Senator has no expectation of completing the bill to-night, I apprehend?

Mr. SMITH of South Carolina. Unless there are interminable amendments to be offered for the purpose of obstruction and otherwise, I do not see why we should not complete the bill, because, so far as the committee is concerned, there are but one or two further amendments, and they are of minor importance, some of them being merely verbal. As a matter of course, the disposition of the bill is entirely in the hands of the Senate; but we have been considering this bill now for a period nearly going into the third week. There are other matters that necessarily are going to press for attention, and I think that it is due the people of the country and due to ourselves that we should dispose of this measure, so that we may take up other legislation.

Mr. GALLINGER. Mr. President, there is no one more earnest in his desire than am I to have this bill voted on, but it is so clearly evident that we can not vote on it this evening that I venture to suggest that, having been here now nearly seven hours in continuous session, we might well lay the bill aside for the day.

#### ADDITIONAL MINORITY EMPLOYEE.

Mr. WILLIAMS. Mr. President, without waiting to determine the point at issue, I should like to ask unanimous consent to present from the Committee to Audit and Control the Contingent Expenses of the Senate a favorable report on a resolution and to have it considered at this time. This is the 31st day of December, the end of the old year, and although the resolution is not of itself of so much importance, time becomes in a sense a part of the essence of it. So, if the Senator will agree—

Mr. SMITH of South Carolina. I agree to lay aside the immigration bill temporarily for the present consideration of the resolution referred to by the Senator from Mississippi.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the resolution, without prejudice to the standing of the bill in charge of the Senator from South Carolina.

Mr. President, I wish to say in connection with the resolution that it is one of the routine matters of minority patronage requested by the leader of the minority, agreed to by the leader of the majority, and reported unanimously by the committee to which it was referred. The Senator from New Hampshire [Mr. GALLINGER] is more a master of the details of the subject matter than am I—

SEVERAL SENATORS. Vote! Vote!

Mr. WILLIAMS. But I do not think there should be any objection to the consideration and adoption of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution (S. Doc. 510) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That an additional employee in behalf of the minority be appointed for service in the folding room of the Senate, at a salary of \$1,000 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. OVERMAN. I desire to ask unanimous consent to report the urgent deficiency appropriation bill.

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OVERMAN. The whole country is interested in this question.

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. The Senator from South Carolina has objected.

Mr. OVERMAN. Then I will discuss the immigration bill a little.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. OVERMAN. I wish to say that I have been trying to perform—

Mr. SMITH of South Carolina. Has the Senator from North Carolina the floor?

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. SMITH of South Carolina. Did not the Chair recognize the Senator from South Carolina?

The PRESIDENT pro tempore. The Senator from North Carolina has the floor; the Senator from South Carolina objected to his presentation of a report at this time, and the Senator from North Carolina stated he would discuss the immigration bill.

Mr. OVERMAN. I want to say something about the immigration bill.

Mr. SMITH of South Carolina. As soon as I conclude discussing the point I was about to make, I will yield to the Senator from North Carolina.

Mr. OVERMAN. Who has the floor?

The PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. SMITH of South Carolina. If the Senator from North Carolina is going to discuss the immigration bill, I shall be very glad to hear him.

Mr. OVERMAN. I want to say that I am in favor of the immigration bill, and do not desire in presenting this report to delay it; but there is an appropriation of \$2,500,000 in a provision contained in the urgent deficiency bill to combat the ravages of the foot-and-mouth disease. For the adoption of that item the people of this country are clamoring. All I ask is that the bill be received so that it may be printed. I ask the Senator if he will not yield to have it printed, so that the Senate may examine it and that it may be brought up for consideration when we get through with the immigration bill?

Mr. SMITH of South Carolina. Mr. President, we ourselves are suffering terribly here with the "mouth disease," and I must object, unless an appropriation is made to cure that disease in this body. [Laughter.] I object.

The PRESIDENT pro tempore. The Senator from South Carolina objects.

Mr. OVERMAN. Mr. President, I fear there is something the matter with the heads of some Senators, and perhaps we ought to have a little appropriation on that account.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from North Carolina that a motion to lay the pending bill aside would be in order.

Mr. OVERMAN. I move that the immigration bill be laid aside temporarily, in order that I may present a report on the urgent deficiency bill, which I desire to have printed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. OVERMAN. I report back favorably with amendment the bill (H. R. 20241) making appropriation to supply urgent deficiencies in appropriations for the fiscal year 1915 and prior years, and for other purposes, and I submit a report (No. 848) thereon. I ask that the bill and report may be received and printed.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### DEVELOPMENT OF WATER POWER.

Mr. SMOOT. Inasmuch as the pending bill has been laid aside, I ask unanimous consent to introduce a bill, and I ask that it be printed in the Record.

The PRESIDENT pro tempore. The Senator from Utah introduces a bill, the title of which will be stated.

Mr. OLIVER. Mr. President, I should like to ask the Senator from Indiana whether it is proposed to adjourn or to take a recess?

Mr. KERN. It is proposed to take a recess until Saturday morning at 11 o'clock.

Mr. OLIVER. I think there should be some opportunity for the introduction of morning business.

The PRESIDENT pro tempore. The Chair will suggest that the bill presented by the Senator from Utah be first disposed of.

Mr. SMOOT. I ask unanimous consent that the bill introduced by me be printed in the Record, and that it be referred

to the Committee on Public Lands. It has reference to the development of water power.

The bill (S. 7101) providing for the acquisition by a State under certain conditions of any lands therein which are or may become chiefly valuable for the development of water power was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed in the Record, as follows:

A bill (S. 7101) providing for the acquisition by a State, under certain conditions, of any lands therein which are or may become chiefly valuable for the development of water power.

Be it enacted, etc., That in the manner and subject to the limitations herein prescribed, a State may enter and acquire title to lands within said State which are or may become chiefly valuable for the development of water power.

Sec. 2. That any State desiring to avail itself of the provisions of this act shall make application therefor in the manner following:

Such State shall, through its regularly created board, commission, or other regularly constituted public authority of said State duly vested with the power to regulate and control the rates and service of public utility corporations, including authority to regulate the rates and service of any person, persons, associations, or corporations engaged in the business of developing, distributing, furnishing, selling, and renting electric power, file with the Secretary of the Interior an application setting forth the description of the lands sought to be acquired, accompanied by a map or plat thereof, together with proof that the lands described are chiefly valuable for the development of water power, that the entire area of the land described is necessary to accomplish development of the largest available power at the place designated, and that said application is made for the development of water power in accordance with the provisions of this act.

Sec. 3. That such State shall submit proof with such application establishing that the lands described are chiefly valuable for the development of water power and are necessary therefor and are being sought for that purpose, and upon such matters and facts being established, patent therefor or for such portion thereof as is necessary for the purpose aforesaid shall issue as hereinbefore provided to such State. Such patent shall include such lands or all portions thereof as are chiefly valuable for the development of water power and are necessary therefor, including all necessary or convenient dams, reservoirs, canals, conduits, pipe lines, tunnels, transmission lines, roads, power houses, and all other works or structures necessary or convenient for the appropriation and beneficial use of water and the power or other products generated thereby and for the utilization and beneficial use of the same.

Sec. 4. That the provisions of this act, where application is made by the duly constituted authority of the State, as hereinbefore set forth, shall apply to any part of the public lands of the United States, reserved or unreserved, including national forests, national monuments, and Indian reservations: *Provided*, That where such lands are located within any national monuments or Indian reservations, the same shall be located under the direction of the Secretary of the Interior and in such a way as not to interfere with such national monuments or Indian reservations or the uses or purposes for which the same are created.

Sec. 5. That such patent issued under the provisions of this act shall contain and be subject to the following conditions, limitations, and restrictions, to wit:

First. That said State or Territory shall not alienate the fee simple title to said lands and shall retain the same for the uses and purposes in this act set forth, granting the use thereof for such purposes and subject to the laws of said State and the United States applicable to and adopted for the purpose of controlling and regulating such business and the charges and services thereof so that the State, or those authorized under its laws to appropriate and beneficially use such waters, will carry on and continue the service of generating and distributing such electric power.

Second. That each tract of land so patented shall be held by said State and devoted primarily to the development of water power either by said State or Territory or by a municipal corporation or corporations therein or by some person or persons, association or associations, corporation or corporations thereto duly authorized and that said State or Territory shall not devote or permit the same to be devoted to any other purpose or purposes in conflict therewith.

Third. That all power generated, sold, rented, or distributed under authority of said State by any person or persons, association or associations, corporation or corporations, and the rates therefor and the service therefor shall at all times be subject to and shall be regulated and fixed by and under the authority and laws of said State, or in cases involving interstate commerce under and pursuant to the laws of the United States, and that such power so generated shall never be the subject of any combination or consolidation in restraint of trade contrary to or in violation of any law of said State or applicable law of the United States.

Fourth. That none of the properties, rights, uses, or privileges patented under the provisions of this act, where the same are assigned or transferred to or permitted to be used or enjoyed under the provisions of this act, shall ever be valued or allowed to be charged for in connection with any service to the public in excess of such amounts, if any, as the person or persons, association or associations, corporation or corporations shall have actually paid for the same, and in the event of the acquisition of such property, rights, uses, or privileges by such State or any municipality or subdivision thereof, no amount whatever shall be allowed or paid by said State, municipality, or subdivision thereof for such transfer or acquisition in excess of such amounts, if any, as shall have been paid therefor and which shall not have been repaid or reimbursed prior to such acquisition of the same.

Sec. 6. That upon any sale or disposition or attempted sale or disposition of such lands by any State for any other purpose or in any other manner than as herein provided, or upon failure to require said lands to be devoted to the uses required by this act, or upon any violation of the provisions of this act, or of the patent to be issued hereunder, the same shall be forfeited to the United States, and the Attorney General, upon the direction of the President of the United States, is authorized to institute such judicial proceedings as may be necessary for the purpose of ascertaining, declaring, and enforcing such forfeiture.

Sec. 7. That the Secretary of the Interior shall make such rules and regulations as may be necessary and appropriate for the purpose of and having the effect of carrying out the provisions of this act.

Sec. 8. That nothing in this act contained shall be construed as affecting or intended to affect or to in any way interfere with the laws



of said State relating to the control, appropriation, use, or disposition of water or the right or priority or right to the use of the same now or hereafter vested under and in accordance with the laws of said State.

Mr. POMERENE. I desire to introduce a bill and ask for its proper reference.

Mr. OLIVER. I will have to object. I think we ought to have an opportunity to introduce bills in regular morning session, and that we ought to meet at the regular time Saturday morning for that purpose.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

#### REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. I move that the Senate resume the consideration of the immigration bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Carolina that the Senate resume the consideration of the so-called immigration bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. JONES. I move that the Senate adjourn.

Mr. KERN. I hope the Senator will withhold that motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington that the Senate adjourn. The motion was rejected.

#### RECESS TO SATURDAY.

Mr. KERN. Mr. President, I move that at not later than 6 o'clock this evening the Senate take a recess until Saturday next at 11 o'clock a. m.

Mr. OLIVER. I desire to ask the Senator from Indiana what prospect there is for transacting routine morning business? Some of us have some such business to present.

Mr. KERN. I have no doubt that after Saturday we shall have a morning hour right along.

Mr. OLIVER. The session is getting very short and there ought to be some opportunity of introducing bills and having committees act upon them and also some opportunity of passing unobjected bills; and I suggest to the Senator the propriety, instead of taking a recess until 11 o'clock on Saturday, to adjourn to meet at 11 o'clock on that day.

Mr. KERN. Mr. President, it is the earnest desire, I think, of a majority of the Senate that the pending bill be disposed of on Saturday, and I have no doubt that it will be disposed of on that day. Then we will resume the usual course of business. It is because of that desire, however, that I have made the motion that at not later than 6 o'clock the Senate take a recess until Saturday morning at 11 o'clock.

Mr. CLARK of Wyoming. Mr. President, would it not be possible to take an adjournment of the Senate until 10 o'clock on Saturday morning, so as to allow one hour for morning business between 10 o'clock and 11 o'clock, and begin the discussion of the immigration bill at 11 o'clock?

Mr. SMITH of South Carolina. Mr. President, I should like, if the Senator will allow me, to state that I think from present indications—of course I can not tell with certainty, but I think that on Saturday we can get rid of the immigration bill, now under discussion. After that I do not think there will be any difficulty in disposing of the accumulated routine business.

Mr. CLARK of Wyoming. I should like to ask, just as a matter of information, whether or not, in connection with the consideration of the various bills which will come before the Senate next week or thereafter, it is proposed to dispense with the morning hour?

Mr. SMITH of South Carolina. Oh, no.

Mr. CLARK of Wyoming. We seem to have started in on that course.

Mr. KERN. That is not contemplated by anyone, I will say to the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that at not later than 6 o'clock the Senate take a recess until 11 o'clock Saturday morning.

Mr. McCUMBER. Let me ask the Senator from Indiana and the Senator from South Carolina, if we can not reach a vote to-night, why not take a recess at the present time? It is now nearly 20 minutes to 6 o'clock.

Mr. KERN. There are several Senators who desire a short executive session, and I desired to make the motion for a recess now, while there was a quorum present; that was all.

Mr. McCUMBER. If that is the purpose, I have no objection.

Mr. KERN. I have no concealments from the Senator.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that at not later than 6

o'clock the Senate take a recess until Saturday morning next at 11 o'clock.

The motion was agreed to.

#### REVENUE-CUTTER SERVICE (S. DOC. NO. 676).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, submitting an estimate of appropriation in the sum of \$7,398.58 for expenses of the Revenue-Cutter Service for the fiscal year ended June 30, 1914, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

#### WITHDRAWAL OF PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the Commissioner of the General Land Office on land withdrawals from settlement, location, sale, or entry under the provisions of the act of June 25, 1910, which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented the petition of Rev. A. J. Ziskovsky, of Comfrey, Minn., praying for the exclusion of anti-Catholic publications from the mails, which was referred to the Committee on Post Offices and Post Roads.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the restoration of a protective tariff, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of contraband of war, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 620, Independent Order B'nai Brith, of Erie, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of General H. W. Lawton Camp, No. 19, United Spanish War Veterans, of Wilkes-Barre, Pa., praying for the creation of a national security commission, which was referred to the Committee on Military Affairs.

He also presented a petition of John Harris Council, No. 174, Junior Order United American Mechanics, of Harrisburg, Pa., and a petition of Hyde Park Lodge, No. 306, Knights of Pythias, of Scranton, Pa., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. BURTON presented petitions of sundry citizens of Ohio, favoring action looking toward the establishment of peace in Europe and the formation of an international police, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry citizens of Broad Brook, Stamford, Haddam, Danbury, and Rockville, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of contraband of war, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of West Haven, New Britain, Haddam, and Chatham; of Freja Lodge, No. 17, International Order of Good Templars, of Hartford; and of the congregations of the Methodist Episcopal Church of Moodus; of the Swedish Lutheran Church, of Hartford; of the Connecticut Baptist convention of 25,000 members, of Hartford; of the Congregational Church of West Stafford; and of the First Methodist Episcopal Church of West Haven, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of local branches of the Connecticut State Association Opposed to Woman Suffrage, of Waterbury, East Hartford, Bridgeport, New Haven, Glastonbury, Guilford, and Cornwall, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Stamford and South Norwalk, in the State of Connecticut, praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of Norwich Camp, No. 75, Order Sons of Zion, of Norwich; of the Council of the United Hebrews, of Waterbury; of the Adath Israel Congregation, of Bridgeport; and of Local Lodge No. 21, Order of B'rith Abraham, and 25 other Hebrew organizations of New Haven, all in the State of Connecticut, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of General Mansfield Council, No. 9, Junior Order United American Mechanics, of Middletown, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented a memorial of sundry merchandise brokers, of Seattle, Wash., remonstrating against the war tax as applied to merchandise brokers, which was referred to the Committee on Finance.

He also presented petitions of Fram Lodge, No. 13, International Order of Good Templars, of Everett; of sundry citizens of Tweedle; of Anchor Lodge, No. 3, International Order of Good Templars, of New Castle; and of Lincoln Lodge, No. 122, International Order of Good Templars, of Woodinville, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present a letter from J. C. Adams, of Kent, Wash., together with articles and newspaper clippings relating to the Japanese labor problem and immigration. I move that the letter and accompanying papers be referred to the Committee on Immigration.

The motion was agreed to.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 7092) granting an increase of pension to Prudie M. Reynolds; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 7093) granting an increase of pension to Susan J. Alexander; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 1094) granting an increase of pension to John H. Van Meter; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7095) granting an increase of pension to Addie M. Higgins; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7096) granting an increase of pension to Lydia A. Smith (with accompanying papers);

A bill (S. 7097) granting an increase of pension to Mary F. Weed (with accompanying papers); and

A bill (S. 7098) granting an increase of pension to Margaret Hoary (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7099) granting an increase of pension to Silas S. Beckwith; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7100) granting an increase of pension to Lewis C. Lane (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. THORNTON submitted an amendment proposing to appropriate \$4,000 for a reviser of the United States Statutes, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for salary for clerk hire in the offices of shipping commissioners from \$35,000 to \$35,900, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEE of Maryland submitted an amendment providing that whenever there are general rules, regulations, or requirements of any character as to the general milk supply of the District of Columbia no part of the appropriation provided for under this bill shall be expended for examinations or inspections, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19422), which was referred to the Committee on Appropriations and ordered to be printed.

#### EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m., Thursday, December 31, 1914) the Senate took a recess until Saturday, January 2, 1915, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 31, 1914.*

##### REGISTER OF THE LAND OFFICE.

Frederick M. Hedger to be register of the land office at Walla Walla, Wash.

##### POSTMASTERS.

##### CONNECTICUT.

T. J. Kelly, Oakville.

##### IDAHO.

William T. Roberts, Bellevue.

##### MICHIGAN.

James C. Beckwith, Marshall.

Charlie W. Beier, Lenox.

Powell Brody, Lawton.

James J. Byers, Houghton.

Patrick Garvey, Hemlock.

Earl Hunter, Lowell.

Frederick J. Kruger, Centerville.

Myron E. Miller, Charlotte.

Patrick H. Schannenck, Chassell.

F. Raymond Wallbrecht, Central Lake.

##### MISSISSIPPI.

A. C. Fant, Macon.

Nannie Stuart, Morton.

##### OHIO.

F. N. Cary, New Richmond.

Jacob C. Hoch, Spencerville.

Jacob E. Mercer, Hicksville.

Bernard Sherman, Minster.

William A. White, Crestline.

##### OKLAHOMA.

Clarence G. Dalton, Mounds.

##### PENNSYLVANIA.

James J. McArdle, Nesquehoning.

Frank P. Moats, Smithfield.

James G. Paul, Bradford.

George F. Trout, Stewartstown.

#### HOUSE OF REPRESENTATIVES.

*THURSDAY, December 31, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We rejoice, Almighty God, our heavenly Father, in the great precepts enunciated by the Master in the marvelous Sermon on the Mount and in His wonderful parables, acknowledged by a consensus of the purest minded in all the world as conducive to the highest civilization, and we most earnestly pray that we may not only appreciate their worth but make them ours by assimilation and put them into the affairs of daily life after the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., December 31, 1914.

HON. CHAMPE CLARK,

Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of the State of New York my resignation as a Repre-